**For More Information, Contact:**
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Customer Service Technician
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 5149
krathel@cwgdn.com

# PLANNING & ZONING BOARD AGENDA

To: Jimmy Dunn – Chairman
Eric Weiss – Vice Chairman
Heather Gantt
H. Gerald Jowers
Mark Maciel
Mac McKinney
Rohan Ramlackhan

Copy to: Mike Bollhoefer
Dan Langley
Kurt Ardaman
Ed Williams
Stephen Pash
Laura Smith
Kelly Carson

RE: Agenda – April 7, 2014 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

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1. **CALL TO ORDER**

2. **ROLL CALL AND DETERMINATION OF QUORUM**

3. **APPROVAL OF MINUTES FROM THE MARCH 3, 2014 MEETING**

**LOT SPLIT (PUBLIC HEARING)**

4. 303 Bayside Avenue – (Johnson, Allen & Abigail)
Parcel ID #15-22-27-4197-02-700

**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

5. 315 S. Dillard Street - (Millionaire Hair)
Parcel ID #23-22-27-7948-02-060

6. 703 Carter Road - (Manheim Orlando)
Parcel ID #24-22-27-0000-00-005, -006 & -008

**VARIANCE (PUBLIC HEARING)**

7. 686 Bethune Ave - (Jenkins Family Addition)
Parcel ID #24-22-27-2275-00-290

8. 148 Roper Drive - (Buchanan, Bob)
Parcel ID #14-22-27-9203-03-020

9. **ADJOURNMENT**

To the next regular Planning and Zoning Board meeting on Monday, May 5, 2014 at 6:30pm in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.



Posted: April 4, 2014

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUES 286.0105: ANY PERSON WHO DESIRES TO APPEAL ANY DECISION AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR THIS PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED, WHICH SUCH WRITTEN RECORD IS NOT PROVIDED BY THE CITY OF WINTER GARDEN.

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT CORRINA WILLIAMS, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 877-5149 - 48 HOURS IN ADVANCE OF THE MEETING.

# A REGULAR MEETING MINUTES
# PLANNING AND ZONING BOARD
# MARCH 03, 2014

## 1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

Chairman Jimmy Dunn called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. The Pledge of Allegiance was given followed by the invocation.

## 2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

**MEMBERS PRESENT**:

Chairman James Dunn, Vice-Chairman Eric Weiss, Board Members: Heather Gantt, Gerald Jowers, Mark Maciel, and Mac McKinney

**MEMBERS ABSENT:**

Rohan Ramlackhan - excused

**STAFF PRESENT:**

City Attorney Kurt Ardaman, Senior Planner Stephen Pash, Senior Planner Laura Smith, Planner II Kelly Carson, and Customer Service Representative Kathy Rathel

## 3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held on February 3, 2014.

***Motion by Gerald Jowers to approve the above minutes. Seconded by Eric Weiss, the motion carried unanimously 6 - 0.***

**ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (Public Hearing)**

## 4. 450 W. Story Road (Rios, Maria)

Senior Planner Steve Pash presented a voluntary Annexation for a 0.22 ± acre enclave located at 450 West Story Road. The property is a single lot with a Single Family Dwelling. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low

Density Residential, and Zoning of R-2. Staff recommends approval of Ordinances 14-13, 14-14 and 14-15.

***Motion by Eric Weiss to recommend approval of the Annexation, Future Land Use Map Amendment and Rezoning for 450 W Story Road (Ordinances 14-13, 14-14 and 14-15) with Staff Recommendations (Attached Exhibit "A"). Seconded by Mark Maciel, the motion carried unanimously 6 - 0.***

**5. <u>13100 West Colonial Drive (Lake Butler Groves, Inc.)</u>**

Senior Planner Steve Pash presented a voluntary Annexation for a 1.75 ± acre enclave located at 13100 West Colonial Drive. The property is currently developed with an office and some warehouses used in the Citrus industry for processing. Plans are to demolish current structures and build an auto parts store. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial, and Zoning of C-2. Staff recommends approval of Ordinances 14-16, 14-17 and 14-18.

***Motion by Heather Gantt to recommend approval of the Annexation, Future Land Use Map Amendment and Rezoning for 13100 West Colonial Drive (Ordinances 14-16, 14-17 and 14-18) with Staff Recommendations (Attached Exhibit "B"). Seconded by Mark Maciel, the motion carried unanimously 6 - 0.***

**<u>VARIANCE (Public Hearing)</u>**

**6. <u>208 Trail Bridge Court (Savalli, Robert)</u>**

Senior Planner Steve Pash presented a request for a Variance at 208 Trail Bridge Court. The applicant is requesting a 3 foot variance to allow construction of a 22 foot x 24 foot garage addition 7 feet from the side property line in lieu of the minimum 10 foot side yard setback. Staff recommends approval.

Board Member Eric Weiss questioned if there was a Homeowners Association Architectural Review Board for the development. Senior Planner Pash responded there was but the City does not enforce the Homeowners Association rules and regulations and it is up to the applicant to have the HOA approval before they get building permits.

***Motion by Eric Weiss to recommend approval of the Variance for 208 Trail Bridge Court with Staff Recommendations and with the addition of a Homeowners Association Architectural Review Board approval (Attached Exhibit "C"). Seconded by Mac McKinney, the motion carried unanimously 6 - 0.***

**7. <u>229 North Lakeview Avenue (Stone, Troy)</u>**

Senior Planner Steve Pash presented a request for two Variances at 229 North Lakeview Avenue. Applicant is requesting a variance to allow an existing accessory structure, built without permits, that is greater than 160 square feet to remain at an 8.5 foot rear yard setback in lieu of the minimum required 34.5 foot rear yard setback, and a variance to allow an existing accessory structure, built prior to City records, that is greater than 160 square feet to

remain at a 1.2 foot side yard setback in lieu of the minimum required 10 foot side yard setback. The property is located in the City's historic district and is common for rear yard setbacks to be small. Staff recommends approval of both Variances subject to the conditions of the Staff Report.

Board Member Mac McKinney asked for clarification of the structures and when they were constructed.

***Motion by Gerald Jowers to recommend approval of the Variances for 229 North Lakeview Avenue with Staff Recommendations and conditions (Attached Exhibit "D"). Seconded by Mark Maciel, the motion carried 5-1 with Mac McKinney opposed.***

**8. <u>218 East Lafayette Street (Chokelal, Eric G.)</u>**

Senior Planner Laura Smith presented a request for a Variance at 218 East Lafayette Street. Applicant constructed a 28' x 14' shed on their property located at 210 E Lafayette Street without permits; they applied for a variance which was denied. The applicant desires to move the shed to 218 E. Lafayette Street which he also owns. To remedy the code enforcement violation for construction of a shed without a permit, the applicant is requesting a variance to Section 118-1310(c)(2)a to allow an accessory structure that is greater than 160 square feet to be built at a 13.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback. Staff recommends the applicant consider breaking the shed into two 160 square foot sheds on this property, or constructing one 160 square foot shed at 210 E. Lafayette Street and one or two sheds at 218 E. Lafayette Street. Staff recommends denial of the Variance.

General discussion regarding the size of shed, option of making the shed smaller, the location of the shed on the property, setback requirements and the previous Variance application.

Owner, Eric Chokelal of 210 E. Lafayette Street, was present to ask the Board why he could not get a Variance. Board Member Weiss stated that he should have gotten a permit first. Board Member Jowers stated he went by and looked at the property and did not believe the 13.5 rear yard setback was that intrusive. Yard has trees and fence.

***Motion by Gerald Jowers to recommend approval of the Variance for 218 East Lafayette Street (Attached Exhibit "E"). Seconded by Heather Gantt, the motion carried unanimously 6 - 0.***

**13. <u>ADJOURNMENT</u>**

There being no further business, the meeting was adjourned at 7:05 p.m.

**APPROVED:** **ATTEST:**

**Chairman Jimmy Dunn** **Customer Service Rep. Kathy Rathel**

**EXHIBIT "A"**

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD
**PEPARED BY:** STEVE PASH, SENIOR PLANNER
**DATE:** FEBRUARY 27, 2014
**SUBJECT:** ANNEXATION – ZONING – FLU AMENDMENT
**450 WEST STORY ROAD (0.22 +/- ACRES)**
**PARCEL ID #:** 22-22-27-9188-01-031
**APPLICANT:** MARIA RIOS

## INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 450 West Story Road and is approximately 0.22 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:

The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-2 Residential District.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes and churches and schools. The zoning classifications that are consistent with the Low Density Residential land use designation include PUD, R-1A, R-1, R-2, R-1B, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

## EXISTING USE

The subject property is currently developed with a single-family house.

## ADJACENT LAND USE AND ZONING

The property located to the north is a City Park (Veterans Park), zoned C-2 and located in the City. The properties located to the east, south, and west are developed with single family homes, zoned R-2 and located in Orange County.

## PROPOSED USE

The owner is proposing to annex the property and keep the existing structure.

## PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

## SUMMARY

City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves.

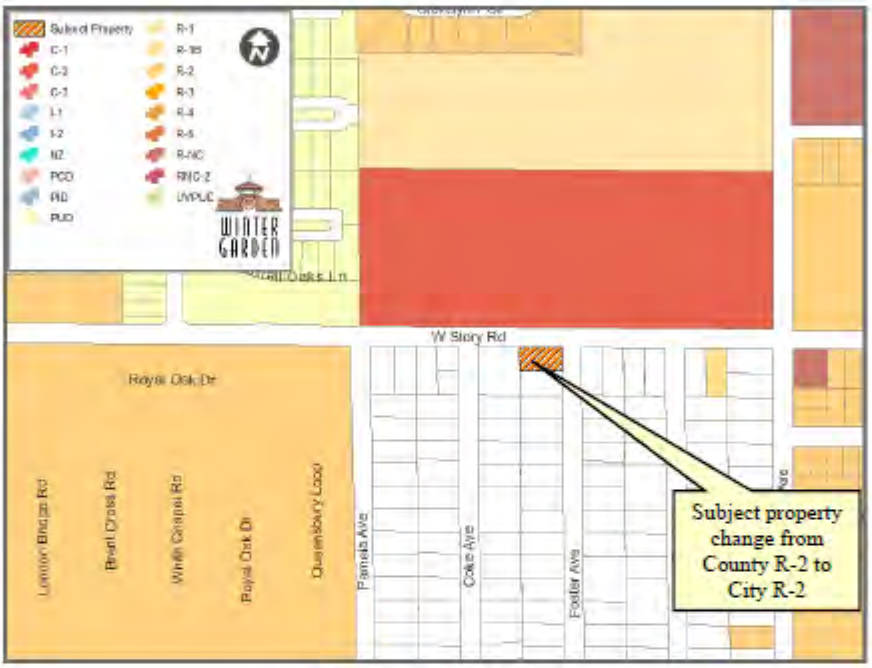
## MAPS

### AERIAL PHOTO

### 450 West Story Road

**FUTURE LAND USE MAP**
**450 West Story Road**

**ZONING MAP**
**710 South Park Avenue**




**END OF STAFF REPORT**

**EXHIBIT "B"**

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

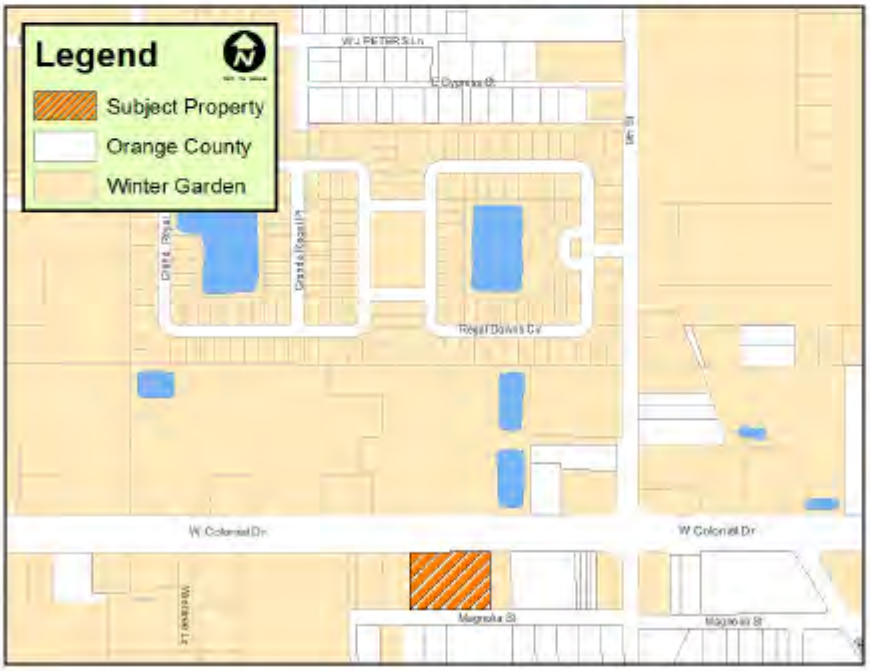
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD
**PEPARED BY:** STEVE PASH, SENIOR PLANNER
**DATE:** FEBRUARY 26, 2014
**SUBJECT:** ANNEXATION – ZONING – FLU AMENDMENT
**13100 WEST COLONIAL DRIVE (1.75 +/- ACRES)**
**PARCEL ID #:** 26-22-27-8108-00-060
**APPLICANT:** LAKE BUTLER GROVES, INC.

## INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 13100 West Colonial Drive and is approximately 1.75 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial, and rezoning the property to C-2 Arterial Commercial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits which are designated Medium Density Residential on the Future Land Use Map and total about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

## EXISTING USE

The subject property is currently developed with two commercial office buildings and a warehouse.

## ADJACENT LAND USE AND ZONING

The properties located to the north are developed with a retail/commercial shopping center (Kmart), zoned C-2, and located in the City. The property located to the east is developed with an Animal Hospital and Veterinary Clinic, zoned C-2 and located in the City. The properties to the south are developed with single-family homes, zoned A-1 and located in the County. The property to the west is developed with a commercial building, zoned C-2, and located in the City.

## PROPOSED USE

The applicant intends to annex the property, demolish all of the existing buildings, and submit for Site Plan Review to develop the property with a new auto parts retail store.

## PUBLIC FACILITY ANALYSIS

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department

under the First Response System.

**SUMMARY**

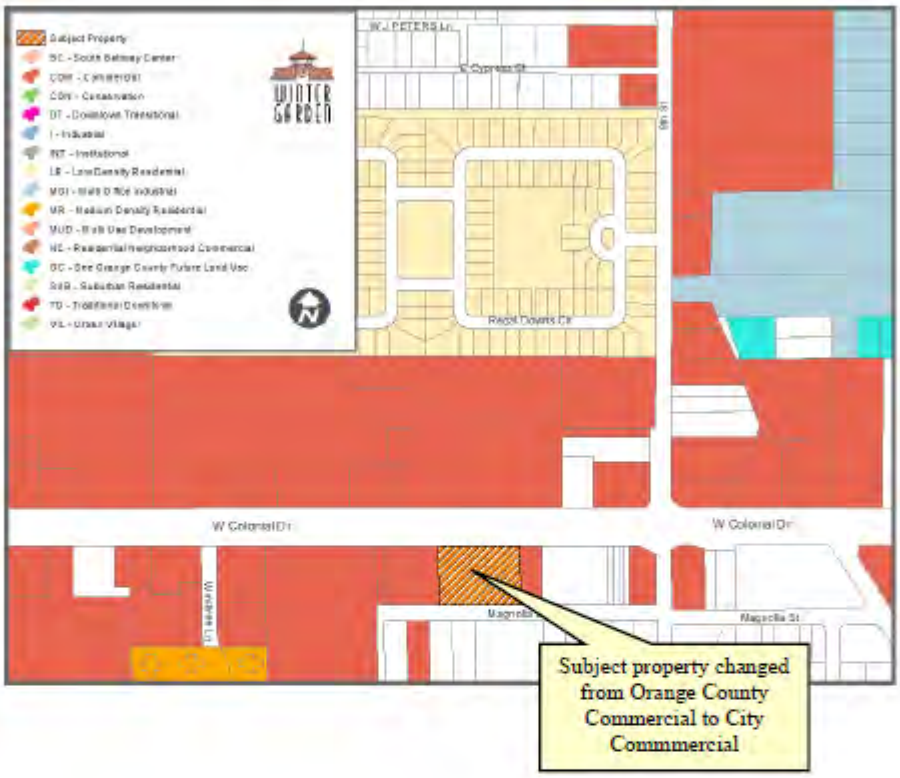
Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves.

**MAPS**

**AERIAL PHOTO**

**13100 West Colonial Drive**

**FUTURE LAND USE MAP**
**13100 West Colonial Drive**



**ZONING MAP**
**13100 West Colonial Drive**

**END OF STAFF REPORT**

**EXHIBIT "C"**

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

# STAFF REPORT

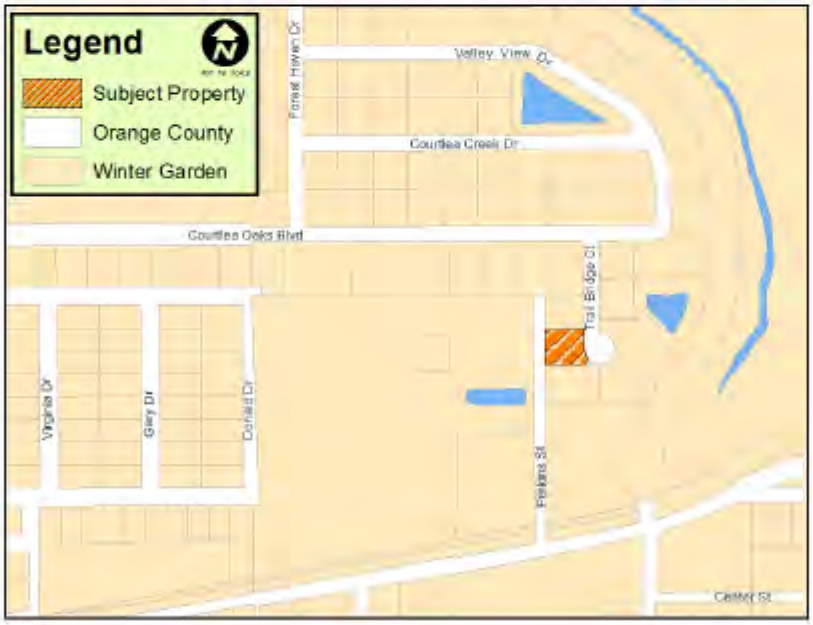
**TO:** PLANNING AND ZONING BOARD
**PREPARED BY:** STEVE PASH, SENIOR PLANNER
**DATE:** FEBRUARY 25, 2014
**SUBJECT:** VARIANCE
**208 Trail Bridge Court (0.34+/- ACRES)**
**PARCEL ID #** 14-22-27-1944-00-200

**APPLICANT:** Robert and Adrianne Savalli

## INTRODUCTION

The purpose of this report is to evaluate the request of a 3 foot side yard setback variance to allow construction of a 22 foot x 24 foot garage 7 feet from the side property line.

The subject property, located at 208 Trail Bridge Court is approximately a 0.34 ± acre lot located just south of the intersection of Courtlea Oaks Boulevard and Trail Bridge Court. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a variance to Section 118-308(1)b. to allow a garage addition to be built at a 7 foot side yard setback in lieu of the minimum required 10 foot side yard setback. The subject property carries the zoning designation R-1 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

## EXISTING USE

The subject property presently consists of a 4,566 square foot single family home.

## ADJACENT LAND USE AND ZONING

The adjacent properties to the north, east, and south of the subject site are developed with single-family homes with R-1 zoning designation. The property to the west is a vacant lot (orange grove) with R-1 zoning designation.

## PROPOSED USE

The applicant is requesting a variance to the side yard setback to allow construction of a 22 foot x 24 foot garage, which will be attached to the house with a breezeway.

## CODE REFERENCE

**Sec. 118-308 (1)b.** of the City Code of Ordinances addresses setbacks for the R-1 zoning district and states that the side yard setback is 10 feet.

The applicant is seeking a variance to the minimum required side yard setback of 10 feet to allow a garage addition to be located 7 feet from the side property.

## CODE REQUIREMENTS /CRITERIA

**Code Requirements/Criteria:**

Section 118-131 of the City Code relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

(a) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*
Construction of the proposed structure 7 feet from the side property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The property to the west is vacant and the property to the north is developed with a single-family home with the driveway abutting the subject property. Additionally, there were no comments received from any of the surrounding property owners regarding the requested variance.

(b) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*
The requested variance allowing a 7 foot side yard setback in lieu of the required 10 foot setback is reasonable use of the property. While there are no variance requests similar to this request, the proposed structure is not out of character with other properties in the neighborhood.

(c) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*
Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement and does not exceed the maximum impervious surface ratio for R-1 residential zoning.

(d) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variance is consistent with the provisions of the City's Comprehensive Plan relating to single family residential neighborhood character.

(e) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*
The variance requested is the minimum variance that will make reasonable use of the land. Denying this variance does not benefit the property owner or the City.

## SUMMARY

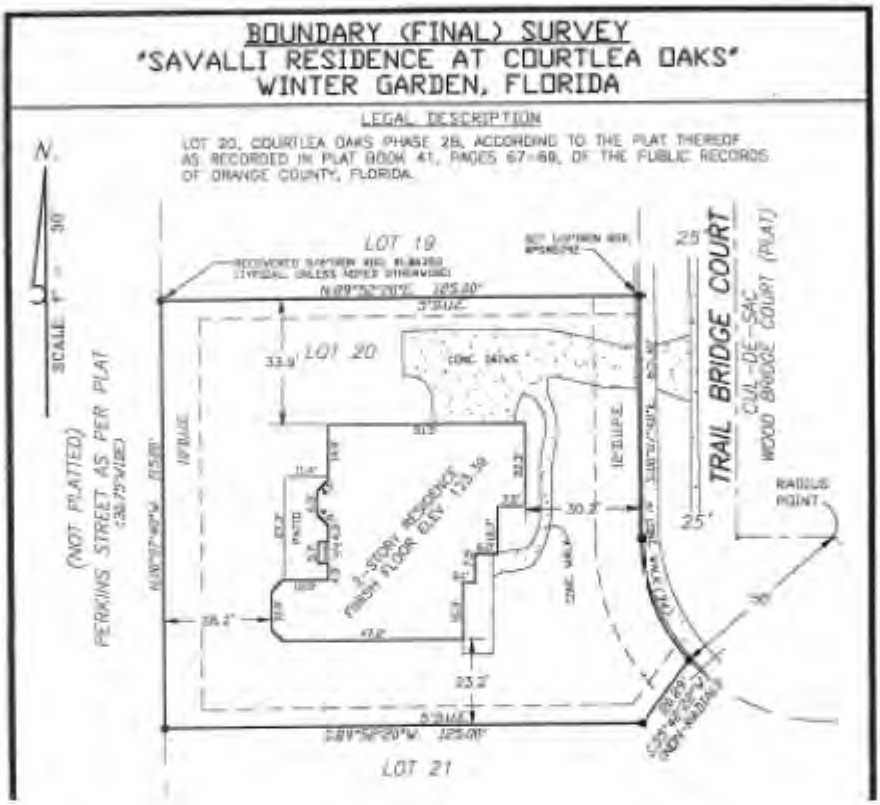
Staff recommends approval of the variance to Section 118-308 (1) b. to allow a garage addition to be built at a 7 foot side yard setback in lieu of the minimum required 10 foot side yard setback.

## ATTACHMENTS

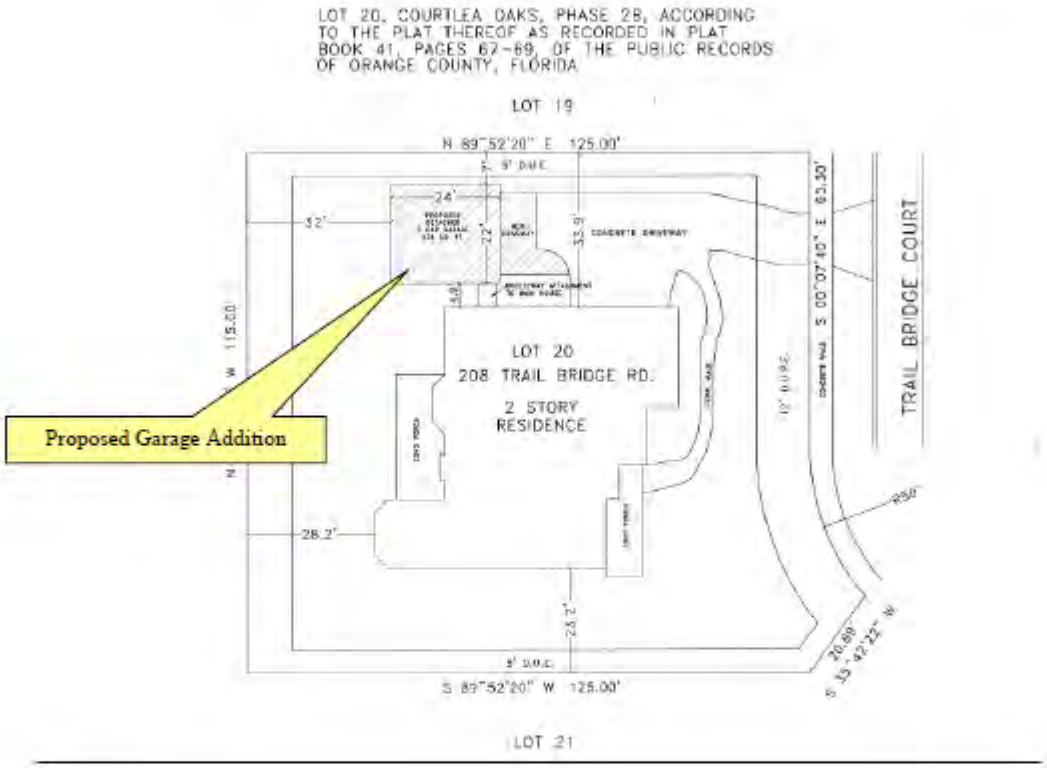
- Aerial Photos
- Site Photos

**AERIAL PHOTO**
**208 Trail Bridge Court**

**SITE SURVEY**
**208 Trail Bridge Court**



# SITE Plan
## 208 Trail Bridge Court



## SITE PHOTOS
**116 East Story Road**

**View of Proposed Loocation of Carport**

**View showing separation between houses**

**Site Photos**
**208 Trail Bridge Court**

**View looking from proposed garage toward street**

**END OF STAFF REPORT**

**EXHIBIT "D"**

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

# STAFF REPORT

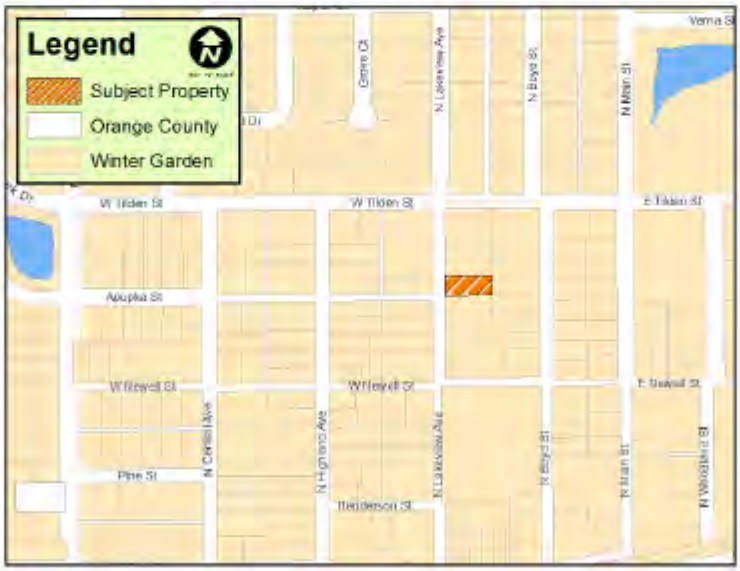
**TO:** PLANNING AND ZONING BOARD
**PREPARED BY:** STEVE PASH, SENIOR PLANNER
**DATE:** FEBRUARY 26, 2014
**SUBJECT:** VARIANCE
**229 North Lakeview Avenue (0.29+/- ACRES)**
**PARCEL ID #** 14-22-27-1032-00-050

**APPLICANT:** Troy Stone

## INTRODUCTION

The purpose of this report is to evaluate the request of a 26 foot rear yard setback variance to allow an existing 20.2 foot x 34.1 foot accessory structure (garage) to remain 8.5 feet from the rear property line and an 8.8 foot side yard setback variance to allow an existing accessory structure (garage) to remain 1.2 foot from the side property line.

The subject property, located at 229 North Lakeview Avenue is approximately a 0.29± acre lot located north of West Newell Street and south of West Tilden Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a variance to Section 118-1310 (c)(2)a. to allow an accessory structure that is greater than 160 square feet to remain at an 8.5 foot rear yard setback in lieu of the minimum required 34.5 foot rear yard setback, and a variance to Section 118-1310 (c)(2)a. to allow an accessory structure that is greater than 160 square feet to remain at a 1.2 foot side yard setback in lieu of the minimum required 10 foot side yard setback. The subject property carries the zoning designation R-2 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

## EXISTING USE

The subject property presently consists of a 2,139 square foot single family home, a 689 square foot accessory structure (built without a permit), and a 406 square foot garage (built prior to City records).

## ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, east, and west of the subject site are developed with single-family homes with R-2 zoning designation.

## PROPOSED USE

The applicant is requesting a variance to the rear yard setback to allow a 20.2 foot x 34.1 foot accessory structure that was built without a permit to remain, and a variance to the side yard setback to allow an existing 20.2 foot x 20.1 foot accessory structure that was built prior to our records to remain.

## CODE REFERENCE

**Sec. 118-310 (c)(2)a.** of the City Code of Ordinances addresses accessory structures and states that
An accessory building greater than 160 square feet must comply with all the setback requirements of the principal structure. The R-2 zoning district requires that sturctures meet a side yard setback of 10 feet and a rear yard setback of 20% of the lot depth (30 feet).

The applicant is seeking a variance to the minimum required rear yard setback of 30 feet to allow an accessory structure that is greater than 160 square feet to be located 5 feet from the rear property.

## CODE REQUIREMENTS /CRITERIA

**Code Requirements/Criteria:**

Section 118-131 of the City Code relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

(a) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*
Allowing the accessory structure 8.5 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the property behind them also has an accessory structure located +/- 5 feet from the rear property line.

Allowing the accessory structure to remain at a side yard setback of 1.2 feet should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as this building has existed for many years without interferance. Additionally, there were no comments received from any of the surrounding property owners regarding the requested variances.

(b) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*
The requested variance allowing an 8.5 foot rear yard setback in lieu of the required 34.5 foot setback is reasonable use of the property. While there are no variance requests similar to this, the structure is not out of character with other structures located in the surrounding area.

The requested variance allowing a 1.2 foot side yard setback in lieu of the required 10 foot setback is reasonable use of the property. While there are no variance requests similar to this, the structure has been in this location for many years.

(c) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*
Strict compliance with the City's land development regulations will not further any legitimate City objective. Niether variance request encroaches into any recorded easement and does not exceed the maximum impervious surface ratio for R-2 residential zoning.

(d) *The granting of the variance is consistent with the city's comprehensive plan; and*
Both variances are consistent with the provisions of the City's Comprehensive Plan relating to single family residential neighborhood character.

(e) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*
The variances requested are the minimum variances that will make reasonable use of the land. Denying the variances does not benefit the property owner or the City.

## SUMMARY

City Staff recommends approval of both variances to Section 118-1310 (c)(2)a. to allow an existing accessory structure (garage) that is greater than 160 square feet to remain at an 8.5 foot rear yard setback in lieu of the minimum required 34.5 foot rear yard setback and to allow an existing accessory structure (garage) that is greater than 160 square feet to remain at a 1.2 foot

side yard setback in lieu of the minimum required 10 foot side yard setback subject to the following conditions:

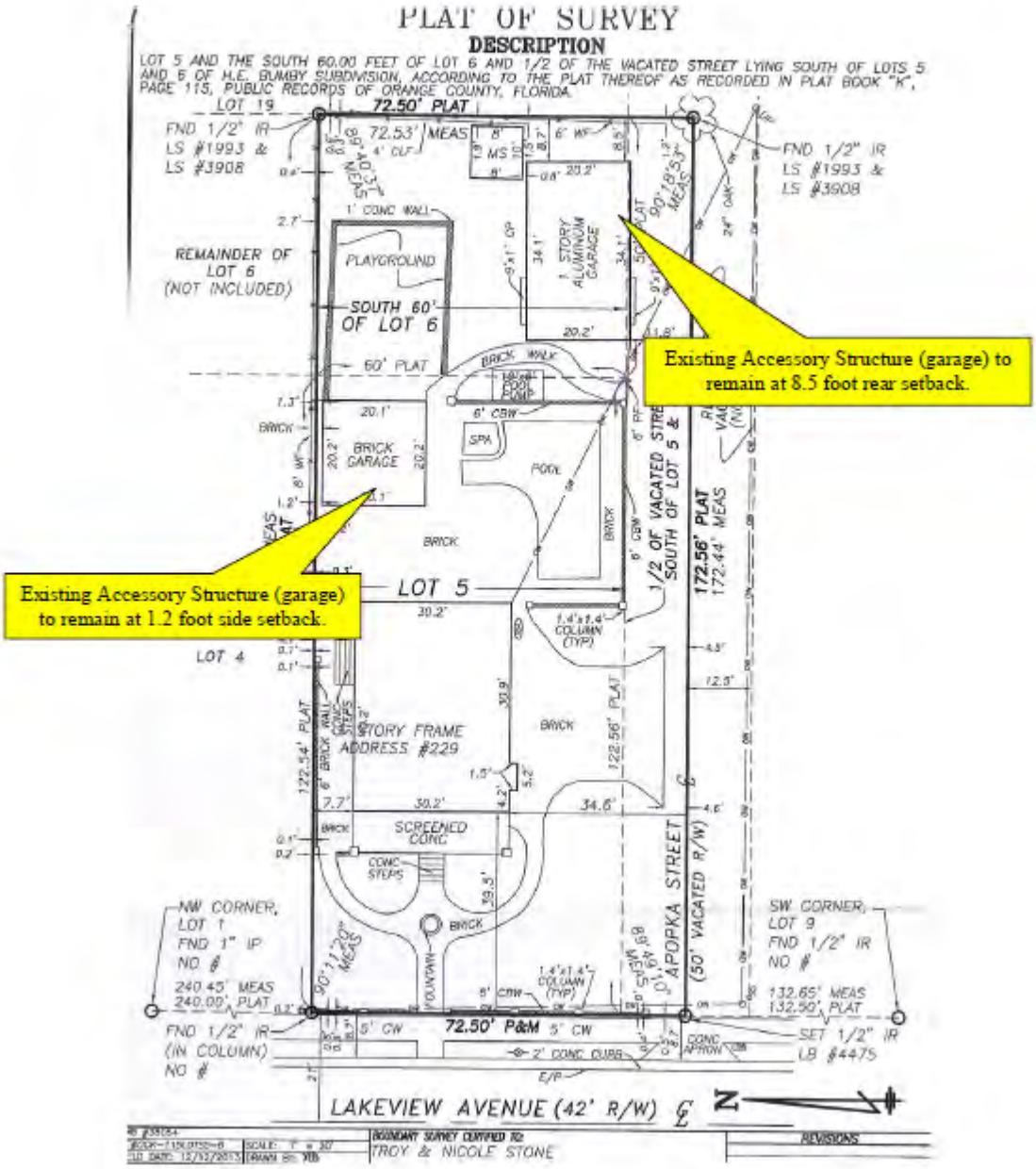
- The applicant needs to submit for Architectural Review Historic Preservation review and be approved by the board to keep the accessory structure with at rear yard setback of 8.5 foot.
- No more accessory structures can be built on this property.
- All construction material and equipment shall be removed from the area behind the accessory structure.
- Permits are required for all work that was done to construct the structure. Permits may include: building, electrical, plumbing, and mechanical.

## ATTACHMENTS

- Aerial Photos
- Site Photos

**AERIAL PHOTO**
**229 North Lakeview Avenue**

**SITE PLAN**
**229 North Lakeview Avenue**




Existing Accessory Structure (garage) to remain at 8.5 foot rear setback.

Existing Accessory Structure (garage) to remain at 1.2 foot side setback.

## SITE PHOTOS
**229 North Lakeview Avenue**

**Views of structure with rear yard setback variance request**

**View showing structure from back yard**

**View showing rear yard behind structure**

**View of structure with side yard setback variance**

View of structure from back yard

**END OF STAFF REPORT**

**EXHIBIT "E"**

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

# STAFF REPORT

| | |
|---|---|
| **TO:** | PLANNING AND ZONING BOARD |
| **PREPARED BY:** | LAURA SMITH, SENIOR PLANNER |
| **DATE:** | FEBRUARY 28, 2014 |
| **SUBJECT:** | VARIANCE |
| | **218 E. LAFAYETTE STREET (0.14+/- ACRES)** |
| | **PARCEL ID #** 23-22-2 7-0908-00-090 |
| **APPLICANT:** | Eric & Lena Chokelal |

**INTRODUCTION**

The purpose of this report is to evaluate the request of an 11.5 foot rear yard setback variance to allow the construction of a 14 foot x 28 foot shed 13.5 feet from the rear property line.

The subject property, located at 218 E Lafayette Street is approximately a 0.14± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:

To remedy a code enforcement violation for construction of a shed without a permit on the neighboring property located at 210 E Lafayette Street the applicant is proposes to relocate the shed to the property at 218 E Lafayette Street which he also own, the applicant is requesting a variance to Section 118-1310(c)(2)a to allow an accessory structure that is greater than 160 square feet to be built at a 13.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard. The subject property carries the zoning designation R-2 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

## EXISTING USE

The subject property presently contains a 1,712 square foot single family home and 100 square foot shed.

## ADJACENT LAND USE AND ZONING

The adjacent properties contain single family residential homes zoned R-2 in the Low-Density Residential Future Land Use Category.

## PROPOSED USE

The applicant is requesting a variance to the rear yard setback to allow construction of a 14 foot x 28 shed.

## CODE REFERENCE

**Sec. 118-310(c)(2)a** of the City Code of Ordinances addresses accessory structures and states that an accessory building greater than 160 square feet must comply with all the setback requirements of the principal structure. The R-2 zoning district requires that structures meet a side yard setback of 10 feet and a rear yard setback of 20% of the lot depth (25 feet).

The applicant is seeking a variance to the minimum required rear yard setback of 25 feet to allow an accessory structure that is greater than 160 square feet to be located 13.5 feet from the rear property line.

## CODE REQUIREMENTS /CRITERIA

**Code Requirements/Criteria:**

Section 118-131 of the City Code that relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

*(a) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

Construction of the proposed accessory structure 13.5 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the property located to the west of the subject property is also owned by the applicant and the property located on the south is vacant land and the property located to the southwest has a shed and detached garage in their rear yard.

(b) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*

The requested variance allowing a 13.5 foot rear yard setback in lieu of the required 25 foot setback is not reasonable use of the property. The property could accommodate two 160 square foot sheds, or the property owner could construct one shed under 160 square feet on the property located at 218 E Lafayette St and another shed under 160 square feet on the property located at 210 E Lafayette St.

(c) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Strict compliance with the City's land development regulations furthers City objectives regarding the public health, safety and welfare.

(d) *The granting of the variance is consistent with the city's comprehensive plan; and*

The variance is not consistent with the provisions of the City's Comprehensive Plan relating to single family residential neighborhood character. The oversized shed is too large for the property and cannot be located on the property and comply with City Code.

(e) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

The variance requested is not the minimum variance that will make reasonable use of the land. The property does not contain any other sheds, therefore the property owner could construct two sheds (each under 160 square feet) on the property or construct one 160 square foot shed on the property located at 210 E Lafayette St. and one 160 square foot shed on the property located at 218 E Lafayette St.

## SUMMARY

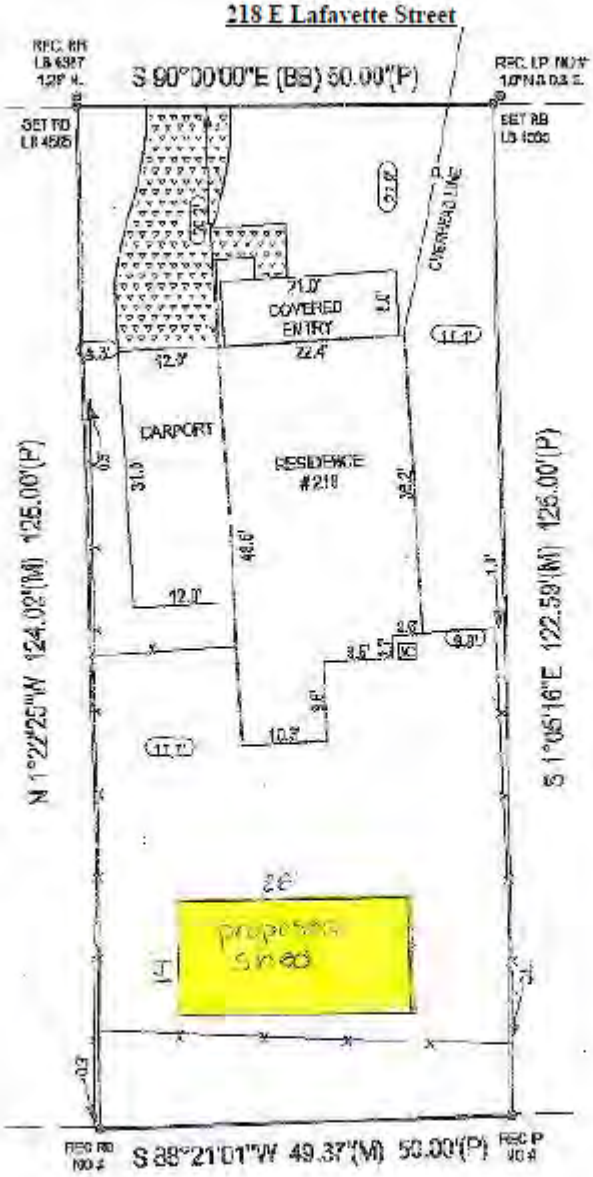
City Staff recommends denial of the variance to Section 118-1310 (c)(2)a to allow an accessory structure that is greater than 160 square feet to be built at a 13.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback.

## ATTACHMENTS

- Aerial Photo
- Site Plan

**AERIAL PHOTO**
**218 E Lafayette Street**

**SITE PLAN**
**218 E Lafayette Street**




**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**

**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 4 Public Hearing**

---

**DATE:** April 3, 2014 **MEETING DATE:** April 7, 2014

**SUBJECT:** 303 Bayside Avenue (LOT SPLIT)
**PROJECT NAME** Johnson Lot Split
**PARCEL ID#** 15-22-27-4197-02-700

**ISSUE:** The applicants are requesting a Lot Split of the property located at 303 Bayside Avenue.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Allen & Abigail Johnson

**CURRENT ZONING:** R-1 Single-Family Residential District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Low Density Residential

**PROPOSED FLU:** N/A

**SUMMARY:**

Applicant requests a lot split of the property located at 303 Bayside Avenue to create two new irregularly-shaped parcels: a 0.27 acre western parcel and a 0.28 acre eastern parcel.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the requested lot split subject to the conditions contained in the attached Staff Report.

**NEXT STEP(S):**

File with the Orange County Property Appraiser's Office and Office of Public Records.

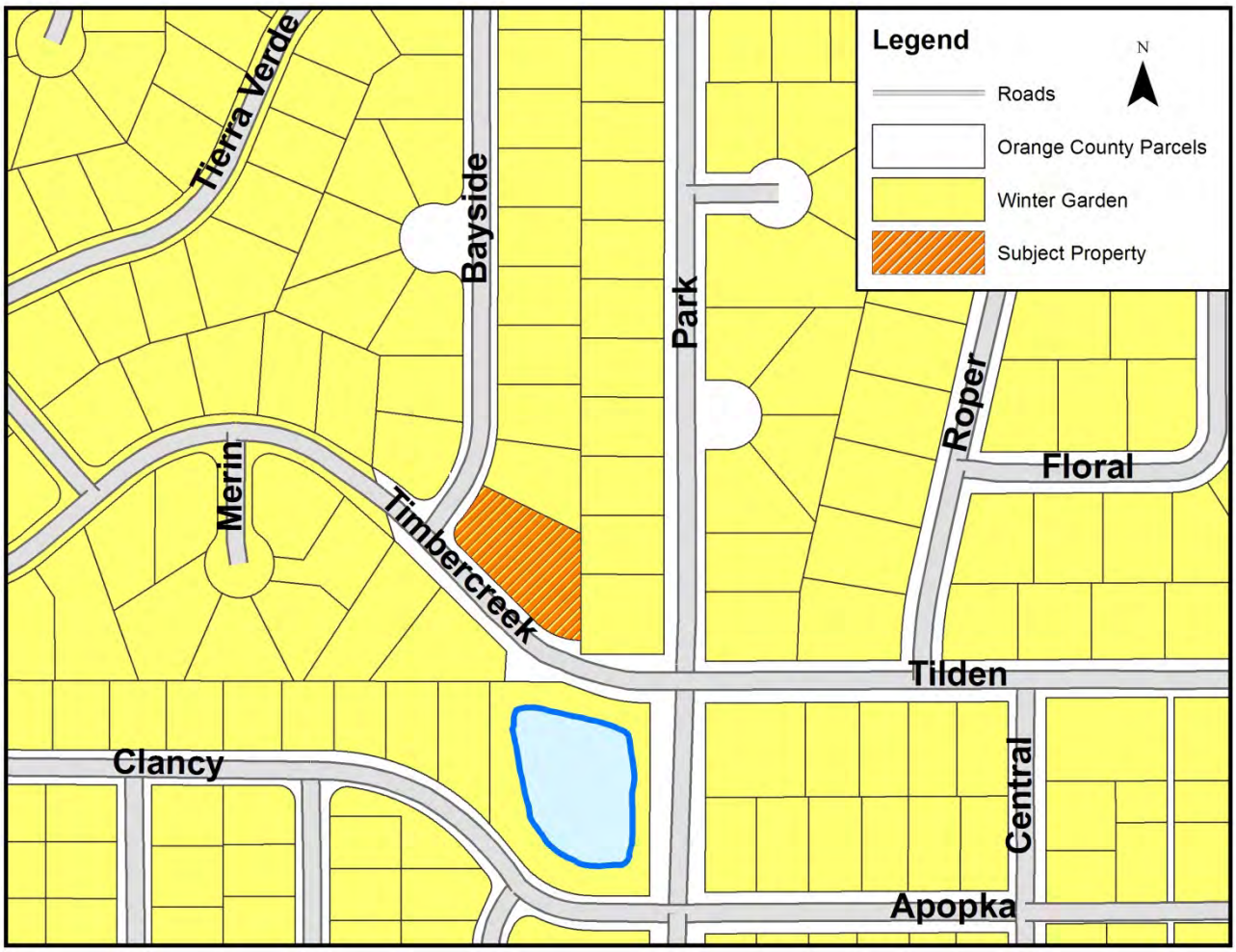
**ATTACHMENT(S):**

Location Map
Staff Report

# LOCATION MAP

**303 Bayside Avenue**

**<u>LOT SPLIT</u>**



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 ● (407) 656-4111

# STAFF REPORT

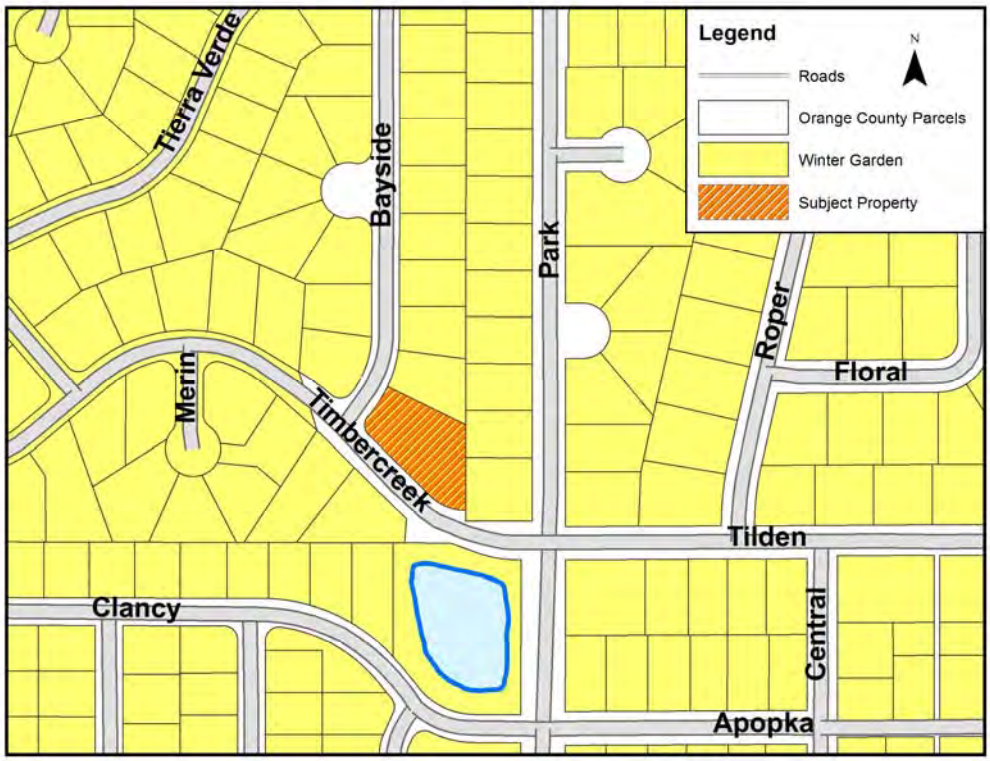
**TO:** PLANNING AND ZONING BOARD
**PREPARED BY:** KELLY CARSON, PLANNER II
**DATE:** March 26, 2014
**SUBJECT:** LOT SPLIT
**303 Bayside Avenue**
**PARCEL ID #** 15-22-27-4197-02-700

**APPLICANTS:** Allen & Abigail Johnson

## INTRODUCTION

The purpose of this report is to evaluate the request to allow a lot split on property located at 303 Bayside Avenue for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, located at the northeast corner of Timbercreek Drive S and Bayside Avenue, is approximately 0.55± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



## CURRENT USE AND ZONING

The subject property is located in the R-1 zoning district and consists of an irregularly-shaped lot with an existing single family residence situated within the northwest portion of the lot.

## CODE REFERENCE

Sec. 110-96. Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.

(b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

(1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.

(2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.

(3) A listing of the names and addresses of the record owners abutting subject property.

(4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

(c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

(1) Approve the application as recommended by the city staff.

(2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.

(3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.

(4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

## SUMMARY

The applicant has submitted a request for a lot split to divide the existing lot into two new parcels: the western parcel will remain oriented toward Bayside Avenue and the eastern parcel will be oriented toward Timbercreek Drive S.

The lot was originally platted in 1985. It is irregularly-shaped and measures approximately 157.74' along the northern property boundary, 153.52' along the eastern property boundary, 226.88' along the southern property boundary, and 101.38' along the western property boundary. The lot has an area of approximately 23,881 SqFt and it fronts on Bayside Avenue. There is an existing single-family residential structure, which is located within the northwestern portion of the lot. This structure will remain after the lot is split.

Section 118-306 of the City Code of Ordinances establishes that the minimum lot requirements for a single-family dwelling in the R-1 residential zoning district are 85' wide at the building's front setback line x 100' deep and a lot area no less than 10,000 SqFt.

The proposed western parcel will be irregular in shape and measure approximately 104.85' along the northern property boundary, 125.44' along the eastern property boundary, 101.38' along the western property boundary, and 101.43' along the southern property boundary. The proposed eastern parcel also be irregular in shape and will measure approximately 52.89' along the northern boundary, 125.44' along the western boundary, 153.52' along the eastern boundary, and 125.45' along the southern boundary. Both properties will conform to the minimum lot requirements for the R-1 zoning district and will be consistent with the sizes of other lots found in the surrounding Kings Bay and Timbercreek neighborhoods. No development for the eastern parcel is proposed at this time. The applicants plan to sell the vacant parcel, on which a single-family residence may be developed by the future owners.

Based on GIS information, an existing water main is located on the north side of Timbercreek Drive South for connection. The sanitary sewer however, is farther west and may pose a problem for connection to the newly created vacant lot. At the time of development of the eastern parcel, plans must be submitted detailing how the new lot will be connected to the sanitary sewer system.

## STAFF RECOMMENDATION

Staff recommends approval of the proposed lot split with the following condition:

1. Easements for cross access, drainage and utilities may be required at the time of site or

building plan approval.

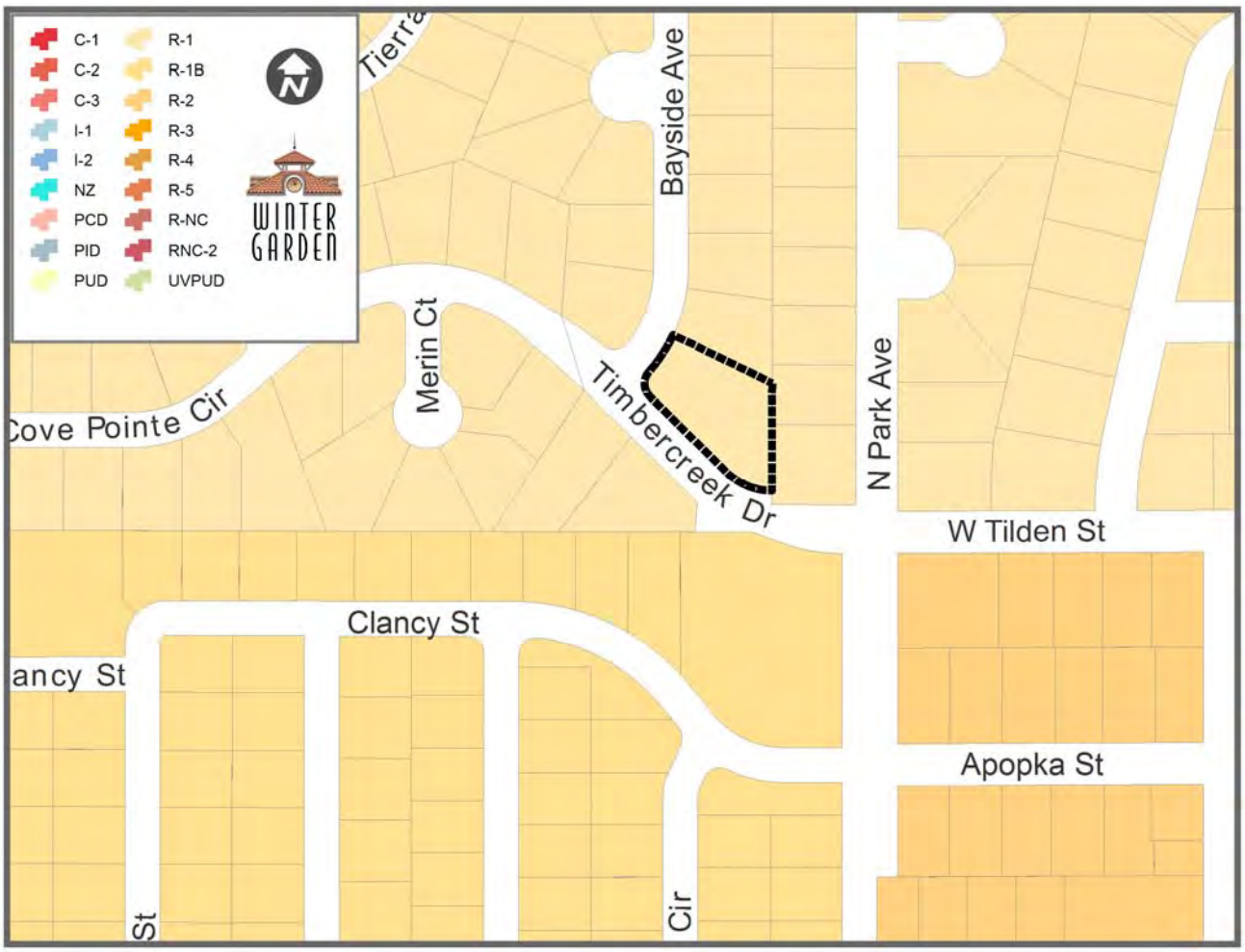
2. Following lot split approval and prior to selling or developing the property, the existing 6' tall wood fence running parallel to Timbercreek Drive South must be removed along the frontage of the new lot. A 6' tall fence exceeds the City's maximum height requirement for front yards.
3. At the time of development, the eastern lot shall be required to connect to city utilities. Piggy backing off of the utility connections for the existing lot shall not be permitted. Any structure on the new lot will need to install a grinder pump and connect to the city force main. The gravity sewer on Bayside Avenue is out of reach for connection. Sump pumps are not sufficient for this condition. Ensure that the sewage pump has a cutting blade.
4. No Certificate of Occupancy will be issued for any building on a lot until connection to the City's water and wastewater system has been made and cleared for use by FDEP and/or the City.
5. Payment of utility impact and utility connection fees shall be required.

**NEXT STEP**

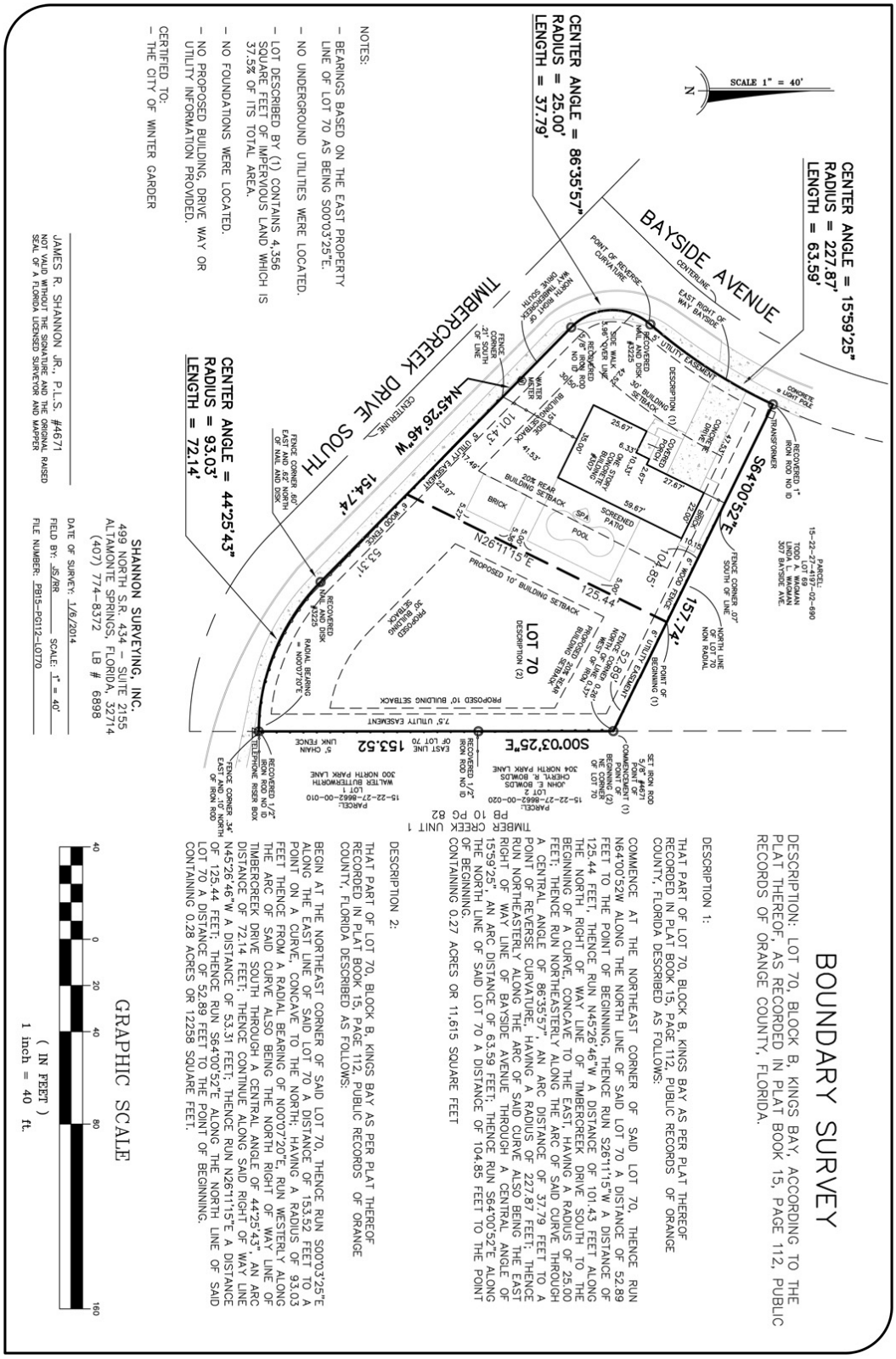
If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

**AERIAL PHOTO**
**303 Bayside Avenue**

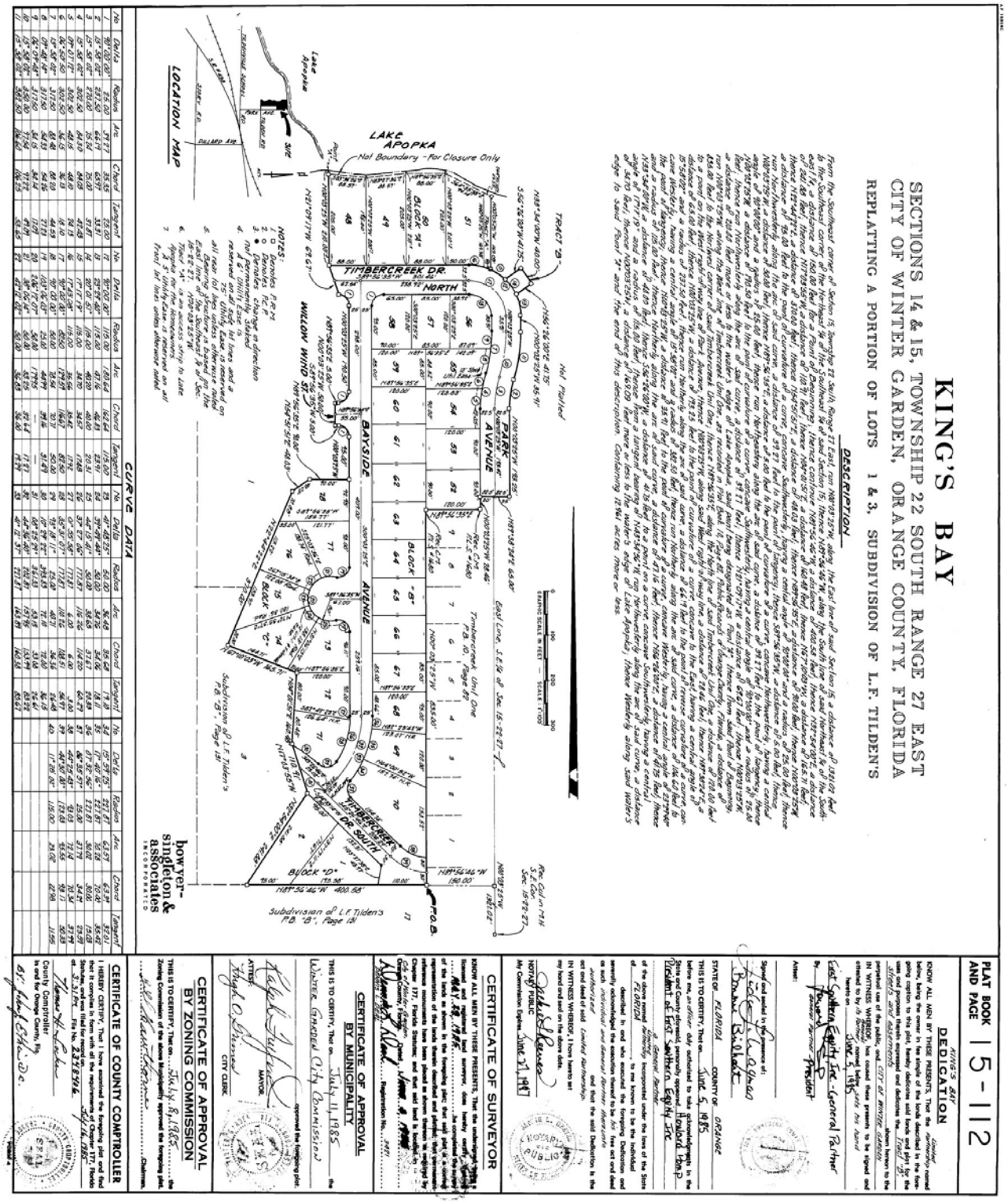
**ZONING MAP**
**<u>303 Bayside Avenue</u>**



## SURVEY (LOT SPLIT PLAN)
## 303 BAYSIDE AVENUE



**PLAT YEAR 1985**
**303 BAYSIDE AVENUE**



**SITE PHOTOS**
**303 Bayside Avenue**

**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**

**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 5 (Public Hearing)**

---

**DATE:** April 3, 2014 **MEETING DATE:** April 7, 2014

**SUBJECT:** 315 S Dillard Street – (SPECIAL EXCEPTION PERMIT)
**PROJECT NAME** Millionaire Hair (Jamila Burns)
**PARCEL ID#** 23-22-27-7948-02-060

**ISSUE:** The applicant is requesting a Special Exception Permit to allow personal services to be performed at 315 S Dillard Street (Main property address is 321 S Dillard Street).

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Jamila Burns

**CURRENT ZONING:** C-3 Professional Office District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Commercial

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is requesting a Special Exception Permit to allow personal service uses within the existing building suite, specifically a beauty salon and hair clinic. The C-3 Zoning district allows these uses through special exception if the applicant meets the special exception requirements.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the special exception permit with the conditions contained in the staff report.

**NEXT STEP(S):**

N/A

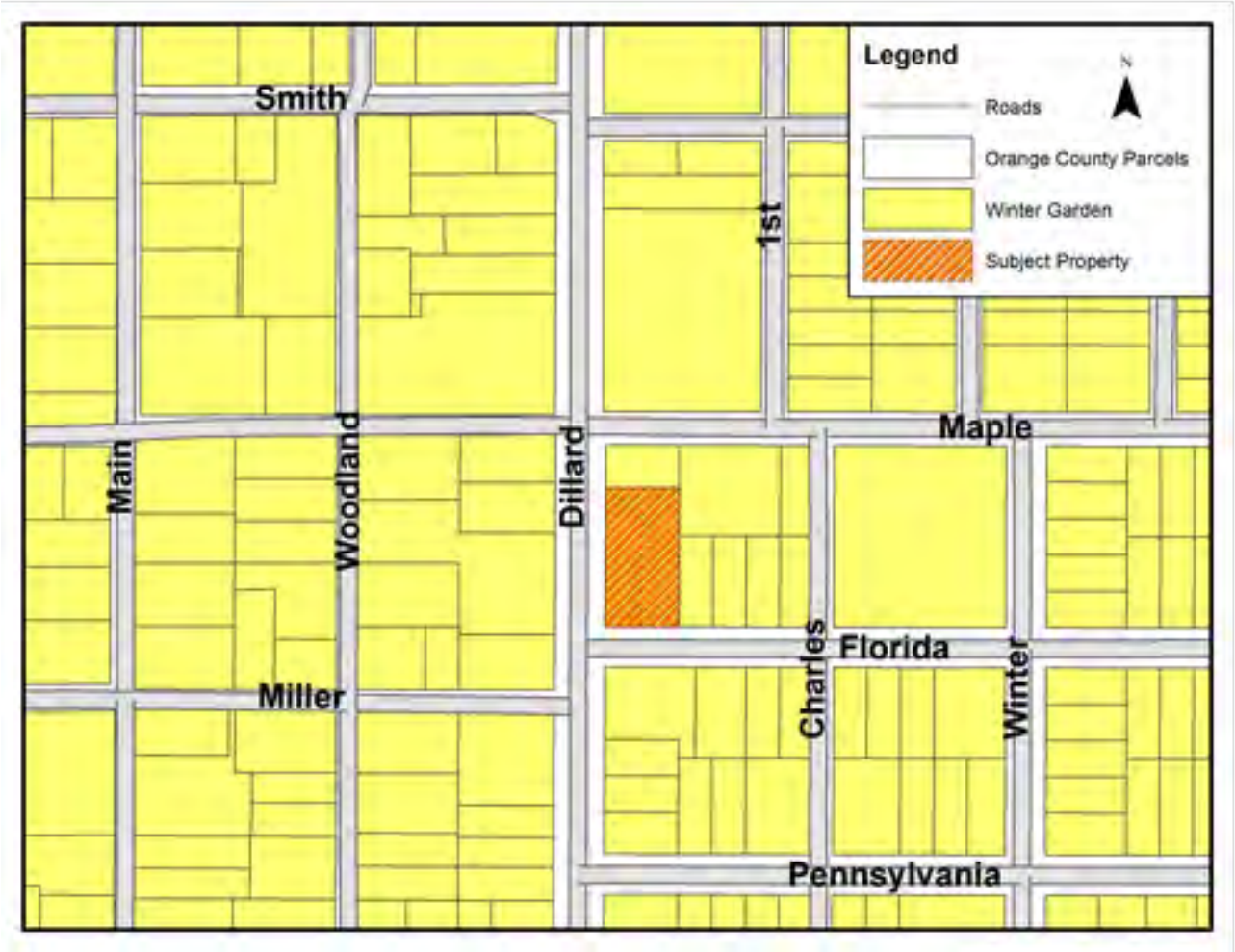
**ATTACHMENT(S):**

Location Map
Staff Report

# LOCATION MAP

**315 S Dillard Street**
**(Main property address: 321 S Dillard Street)**

**<u>SPECIAL EXCEPTION</u>**



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 ● (407) 656-4111

# STAFF REPORT

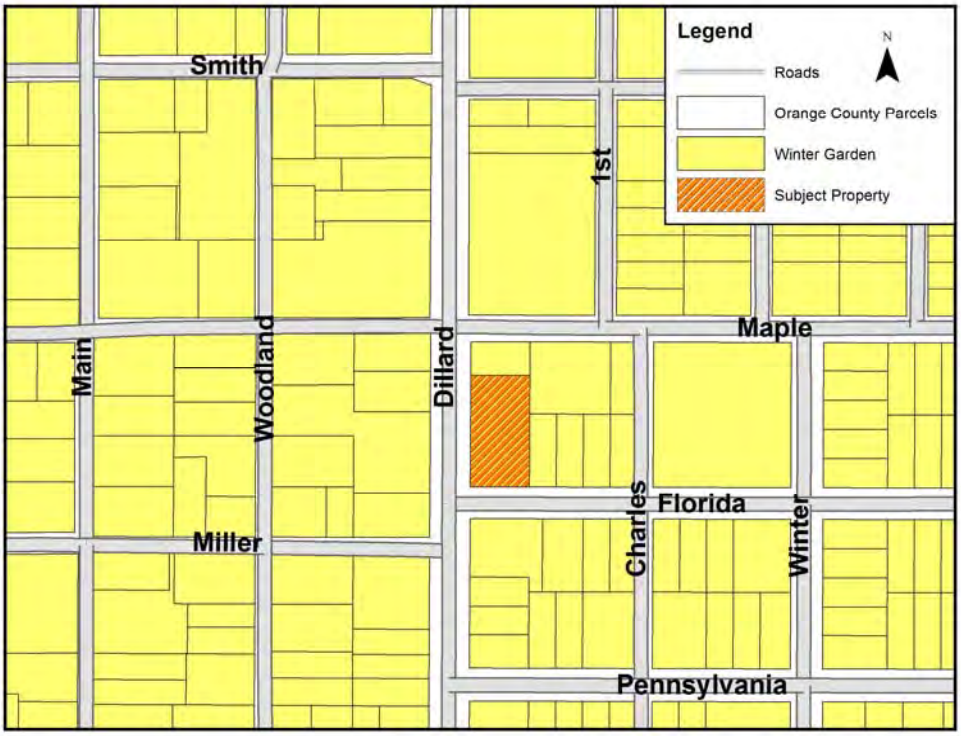
**TO:** PLANNING AND ZONING BOARD
**PREPARED BY:** KELLY CARSON, PLANNER II
**DATE:** MARCH 19, 2014
**SUBJECT:** SPECIAL EXCEPTION PERMIT
**315 S Dillard Street (Main property address: 321 S Dillard Street)**
**PARCEL ID #** 23-22-27-7948-02-060

**APPLICANT:** Millionaire Hair (Jamila Burns)

## INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan. The applicant is requesting a Special Exception to allow for the subject property to be used for the personal service use of a salon and hair clinic.

The subject property consists of one suite within a larger commercial building generally located at 315 S Dillard Street (the main property address for the parcel is 321 S Dillard). The map below depicts the location of the subject parcel within the City of Winter Garden municipal limits:



The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-3 Professional Office District. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

**EXISTING USE**

The property contains one 5,368 square foot commercial building. The building is currently divided into four tenant spaces; the businesses that presently occupy these spaces include an eyelash salon/clinic, a personal training fitness studio, and two vacant office/commercial suites. The site contains a total of twelve 90-degree parking spaces and six parallel parking spaces.

**ADJACENT LAND USE AND ZONING**

The properties located to the north, south, and west of the subject property all contain commercial office buildings, which are zoned C-3 within the City of Winter Garden. The property located to the east of the subject property contains a single family residential structure, which is zoned R-2 within the City of Winter Garden.

**PROPOSED USE**

The applicant proposes to open a salon and hair clinic in the tenant space located at 315 S Dillard Street. The space will be used to perform traditional salon services and sell retail salon products. Additionally, the business will provide services for customers who require hair loss solutions, including making custom wigs and extensions to mitigate the hair loss effects of cancer, alopecia, etc. The business will have one shampoo bowl and four salon chairs: two working and two used for hair consultations. The suite will also house hairdressing-related classes several days a week.

**SUMMARY**

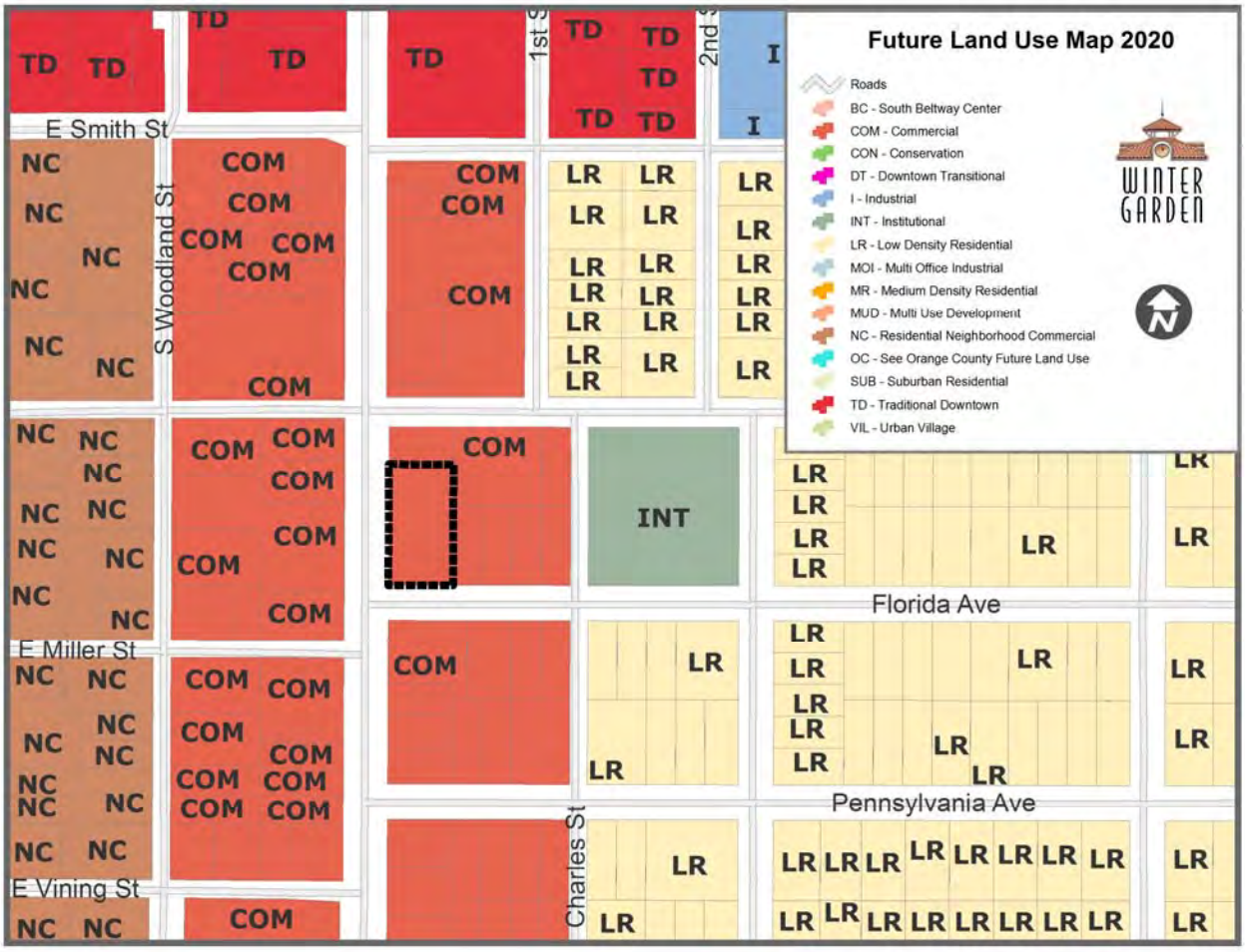
City Staff recommends approval of the proposed use subject to the following conditions:

1. The personal service uses permitted at the subject property are limited to those uses which are classified as one of the following: Barber Shop, Beauty Shop, Hair Salon, Hair Clinic (including custom wig-making), and/or Hairdressing Education.
2. The maximum number of state licensed operators and/or service providers within the suite shall be limited to 3 at any given time.
3. The maximum number of students that may attend hairdressing-related classes is limited to six. Salon services that are not related to educational activities may not occur when the classes are in session.
4. Property owner shall remove existing chain link gates so all parking spaces designated on site are usable by visitors.
5. Property owner shall designate a handicapped accessible parking stall to comply with current ADA requirements.
6. Property owner shall install landscaping per City of Winter Garden Code of Ordinances Chapter 144, Article II.
7. All necessary permits must be obtained prior to beginning any construction on or alterations to the site and/or facility.
8. Any new signage must comply with the requirements of the Winter Garden Code of Ordinances Chapter 102 - SIGNS. The following signs are prohibited:

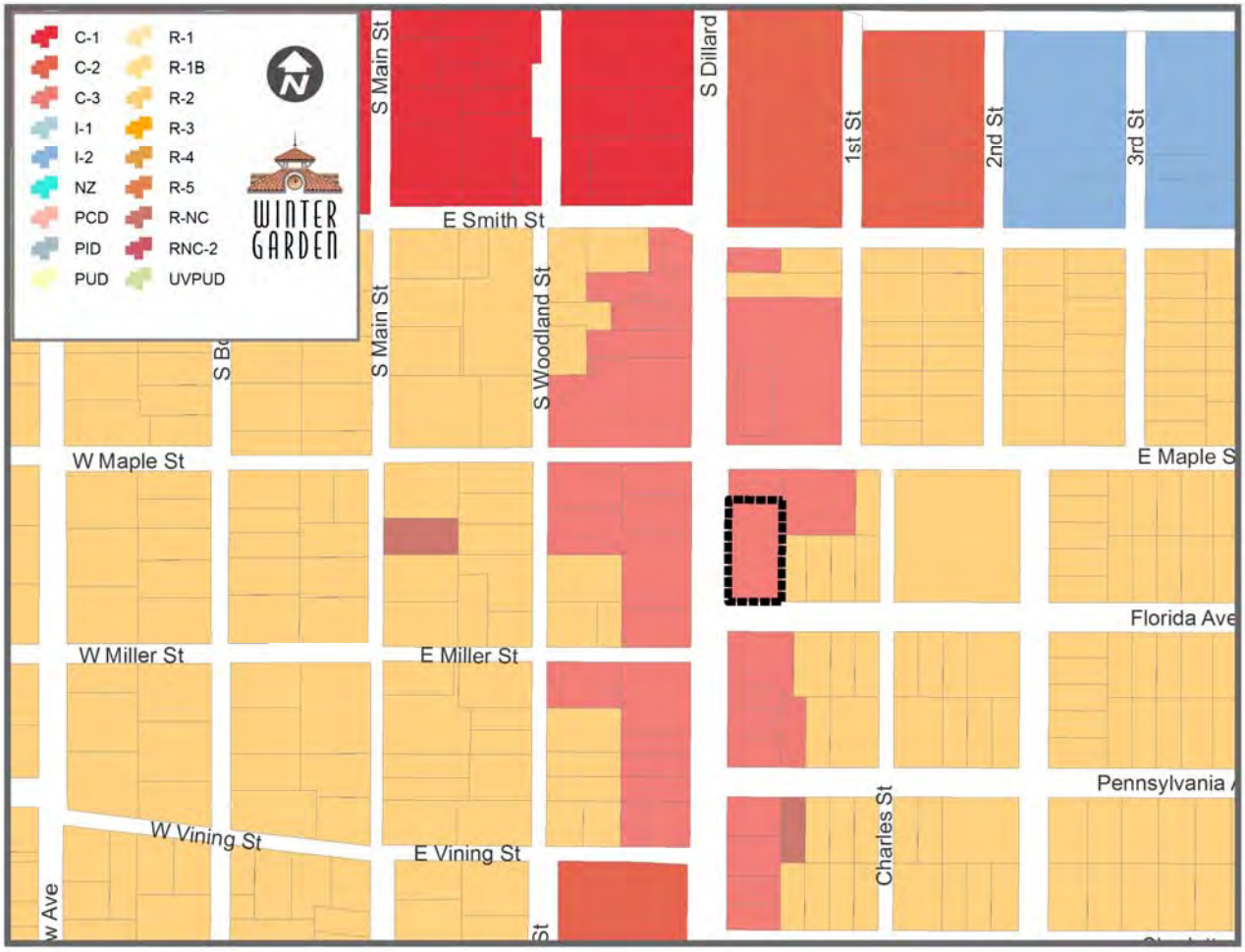
a) Any sign placed on public property.
b) Billboard signs, erected after June 11, 1987.
c) Portable signs.
d) A-frame, T-framed signs.
e) Signs on trailer frames with or without mounted wheels.
f) Vehicle signs or signs on or attached to vehicles which have a total copy area in excess of ten square feet, when the vehicle is not regularly used in the conduct of the business and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right-of-way. Signs projecting over a street or road.
g) Any sign that interferes with a clear sight triangle distance per Florida Department of Transportation (FDOT) design standards.
h) Flashing, moving, animated coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, banners, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable copy signs when in compliance with the applicable regulations of this chapter.
i) Signage used on bus transit shelters within the right-of-way.
j) Bench signs.
k) Roof signs.
l) Traffic sign replicas.
m) Snipe signs.
n) Banner signs used as permanent signage.
o) Commercial off-premises signs.
p) Neon signs, luminous tube lights, light-emitting tubes and/or neon type signs.
q) Any other sign not listed here or otherwise prohibited by the Winter Garden Code of Ordinances Chapter 102, Article III, Sec. 102-92.

**AERIAL PHOTO**
**315 S Dillard St**
**(Main Property Address: 321 S Dillard St)**

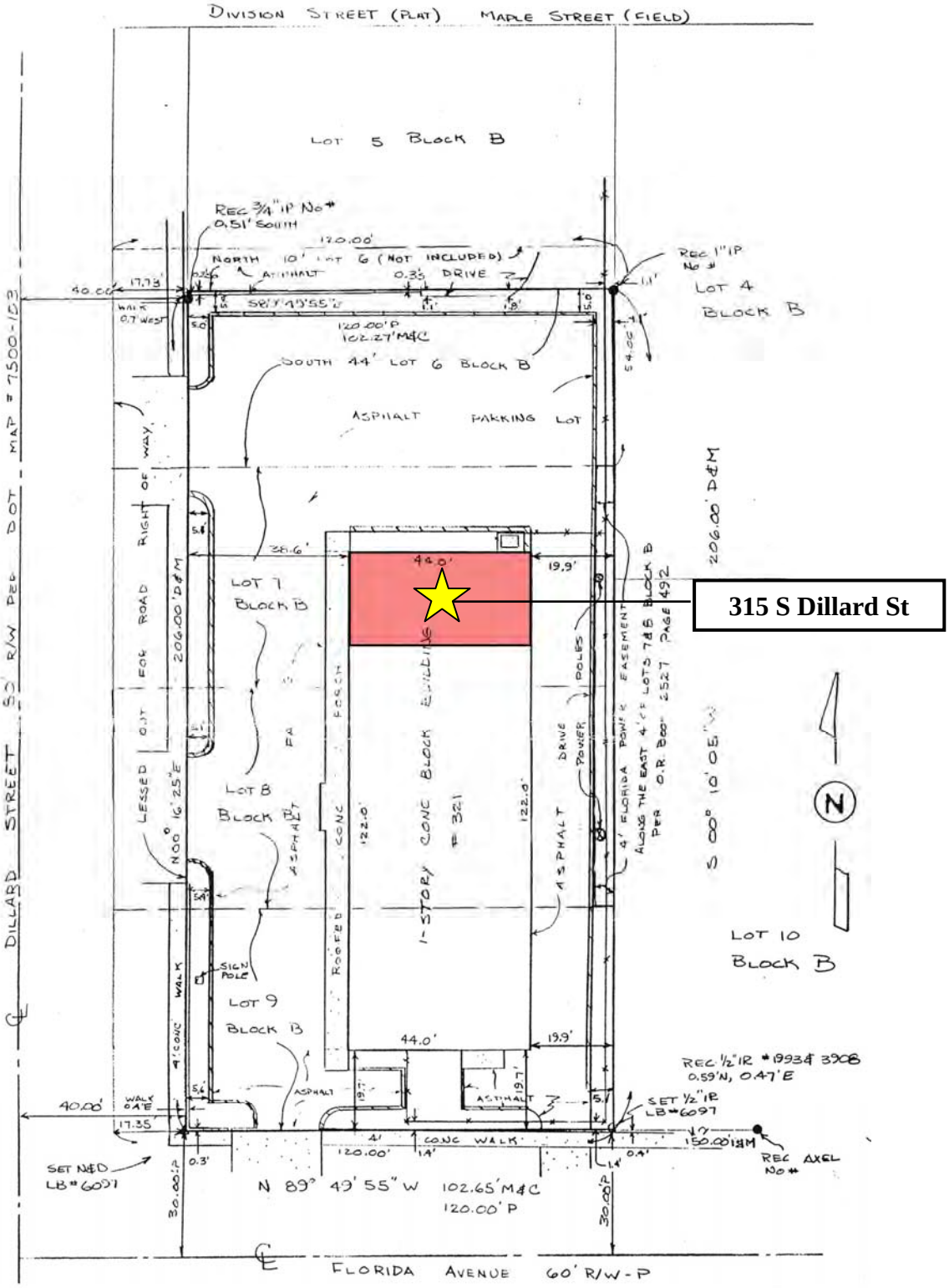
**Future Land Use Map**
**<u>315 S Dillard St</u>**
**<u>(Main Property Address: 321 S Dillard St)</u>**



**Zoning Map**
**315 S Dillard St**
**(Main Property Address: 321 S Dillard St)**



**Site Plan**
**<u>315 S Dillard St</u>**
**<u>(Main Property Address: 321 S Dillard St)</u>**



**Site Photos**
**315 S Dillard St**
**(Main Property Address: 321 S Dillard St)**

**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**

**CITY PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 6 (Public Hearing)**

---

**DATE:** April 3, 2014 **MEETING DATE:** April 7, 2014

**SUBJECT:** 703 Carter Road (SPECIAL EXCEPTION PERMIT)
**PROJECT NAME** Manheim Orlando
**PARCEL ID #** 24-22-27-0000-00-005
**PARCEL ID #** 24-22-27-0000-00-006
**PARCEL ID #** 24-22-27-0000-00-008

**ISSUE:** The applicant is requesting a Special Exception Permit to allow barbed wire to be installed on an existing 6 foot tall chain link fence.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Manheim Orlando / Ben Buckner

**CURRENT ZONING:** I-2

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Industrial

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is requesting a Special Exception Permit to allow 3 rows of barbed wire to be installed on an existing 6 foot tall chain link fence. Section 118-1297 (d) requires that regardless of the zoning district, no barbed wire may be used in locations without a Special Exception permit that are within 20 feet of a public road.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the special exception permit to allow 3 courses of barbed wire be added onto the existing 6 foot tall chain link fence.

**NEXT STEP(S):**

Apply for necessary permits

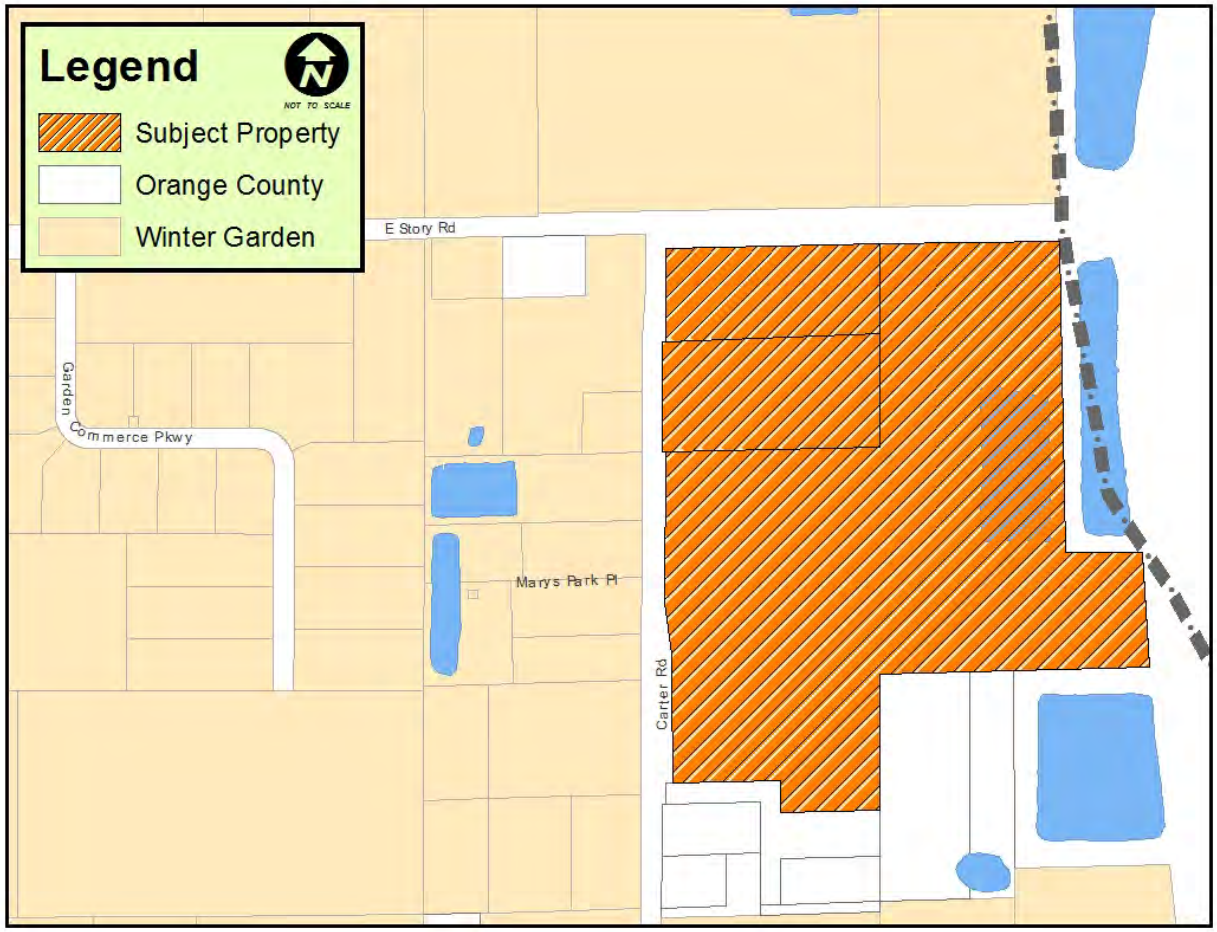
**ATTACHMENT(S):**

Location Map
Staff Report
Site Plan

# LOCATION MAP

**703 Carter Road**

**<u>SPECIAL EXCEPTION PERMIT</u>**



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

**300 West Plant Street - Winter Garden, Florida 34787-3011 ● (407) 656-4111**

# STAFF REPORT

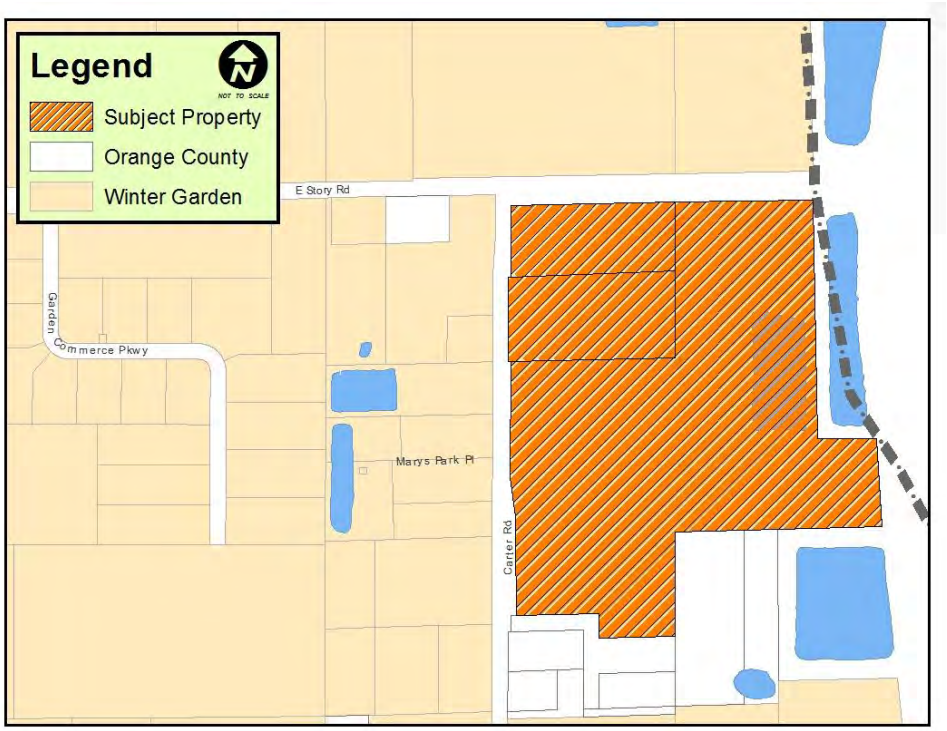
**TO:** PLANNING AND ZONING BOARD
**PREPARED BY:** STEVE PASH, SENIOR PLANNER
**DATE:** MARCH 31, 2014
**SUBJECT:** SPECIAL EXCEPTION PERMIT
**703 Carter Road**
**(Manheim Orlando)**
**PARCEL ID #** 24-22-27-0000-00-005
**PARCEL ID** #24-22-27-0000-00-006
**PARCEL ID** #24-22-27-0000-00-008

**APPLICANT:** Ben Buckner, Facilities Manager

## INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at the southeast corner of East Story Road and Carter Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception Permit to allow barbed wire to be installed on an existing 6 foot tall chain link fence on the northern portion of the property. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation I-2, and is designated Industrial on the Future Land Use Map of the Comprehensive Plan. Section 118-1297 (d) requires that regardless of the zoning district, no barbed wire may be used in locations without a Special Exception permit that are within 20 feet of a public road.

**EXISTING USE**

The property consists of a paved parking lot, a pond, and some green space.

**ADJACENT LAND USE AND ZONING**

The property located to the north of the subject propety is owned by the applicant and used for the same purpose, in the City, and zoned I-2. The property located to the south is zoned A-1 and located in Orange County. The property located to the east is State Road 429. The properties to the west consist of industrial complexes, are in the City, and zoned I-1 and I-2.

**PROPOSED USE**

The applicant operates an automobile auction company and currently uses the property as a parking lot to store vehicles. They plan to use the property for the same use, but due to past crime activity they want to install barbed wire on the existing chain link fence.

**ANALYSIS**

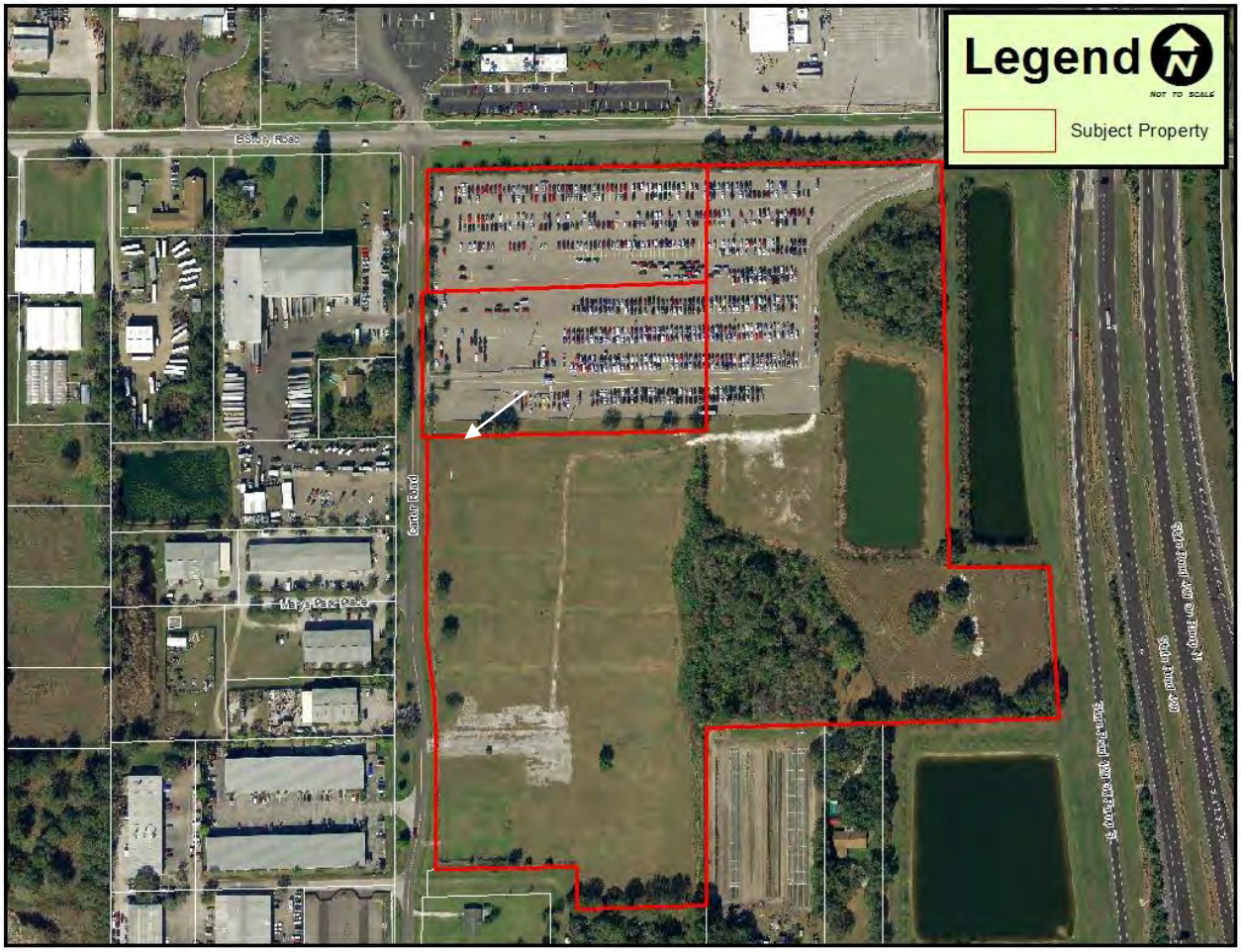
The Manheim business has existed at this location for an extended period of time. The southern portion of the property already has barbed wire on the chain link fence and they would like the barbed wire on the entire property. Over the last several years, they have had trouble with people jumping the fence to gain access to the site and attempting to steal vehicles. They would like to install three rows of barbed wire on top of the existing 6 foot tall chain link fence on the northern portion of the property to help deter intruders from jumping the fence and hopefully prevent the theft of vehicles.

**SUMMARY**

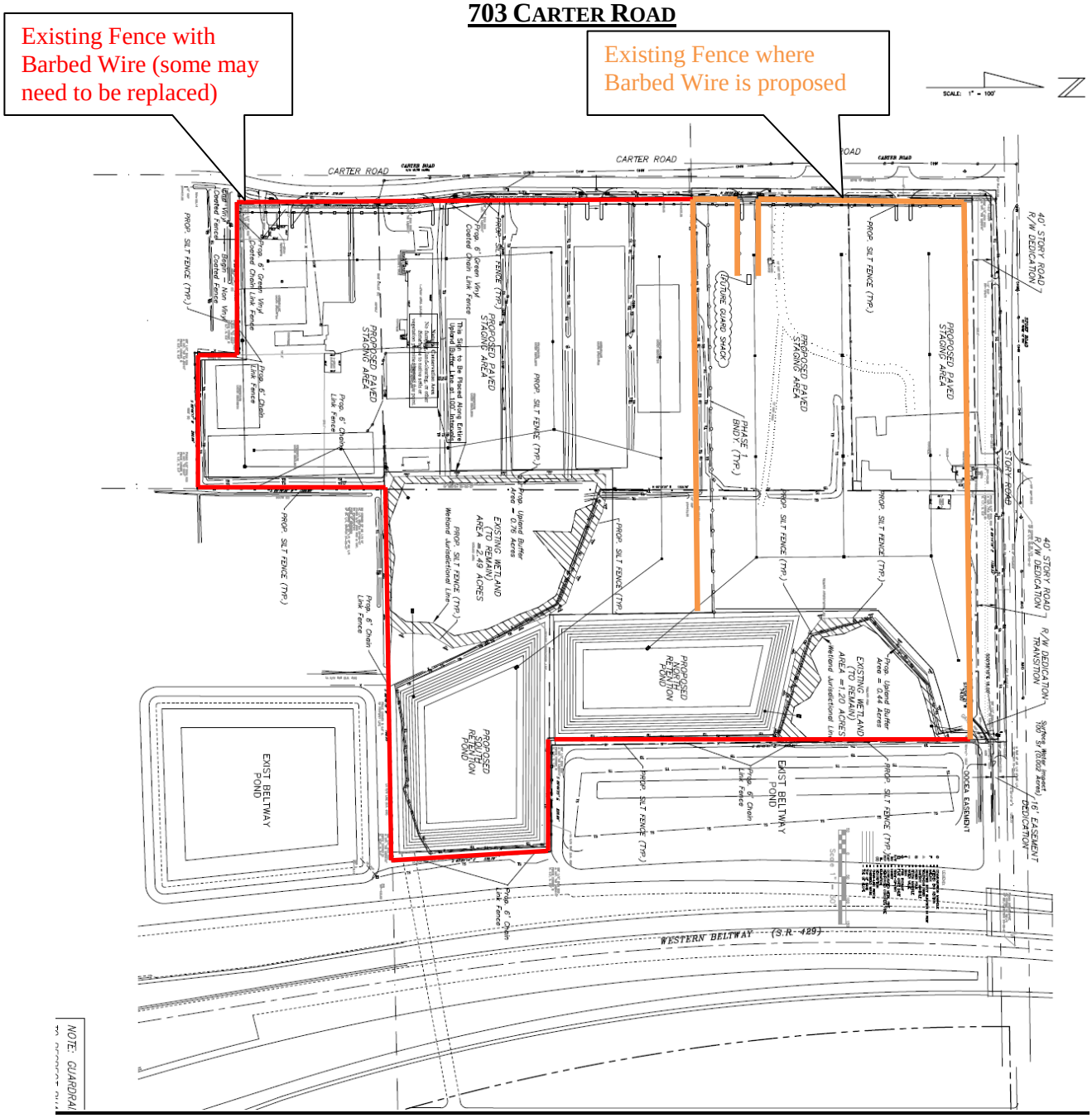
City Staff recommends approval of the Special Exception Permit request to install three rows of barded wire on top of the existing 6 foot tall fence around the parking area.

## MAPS/EXHIBITS

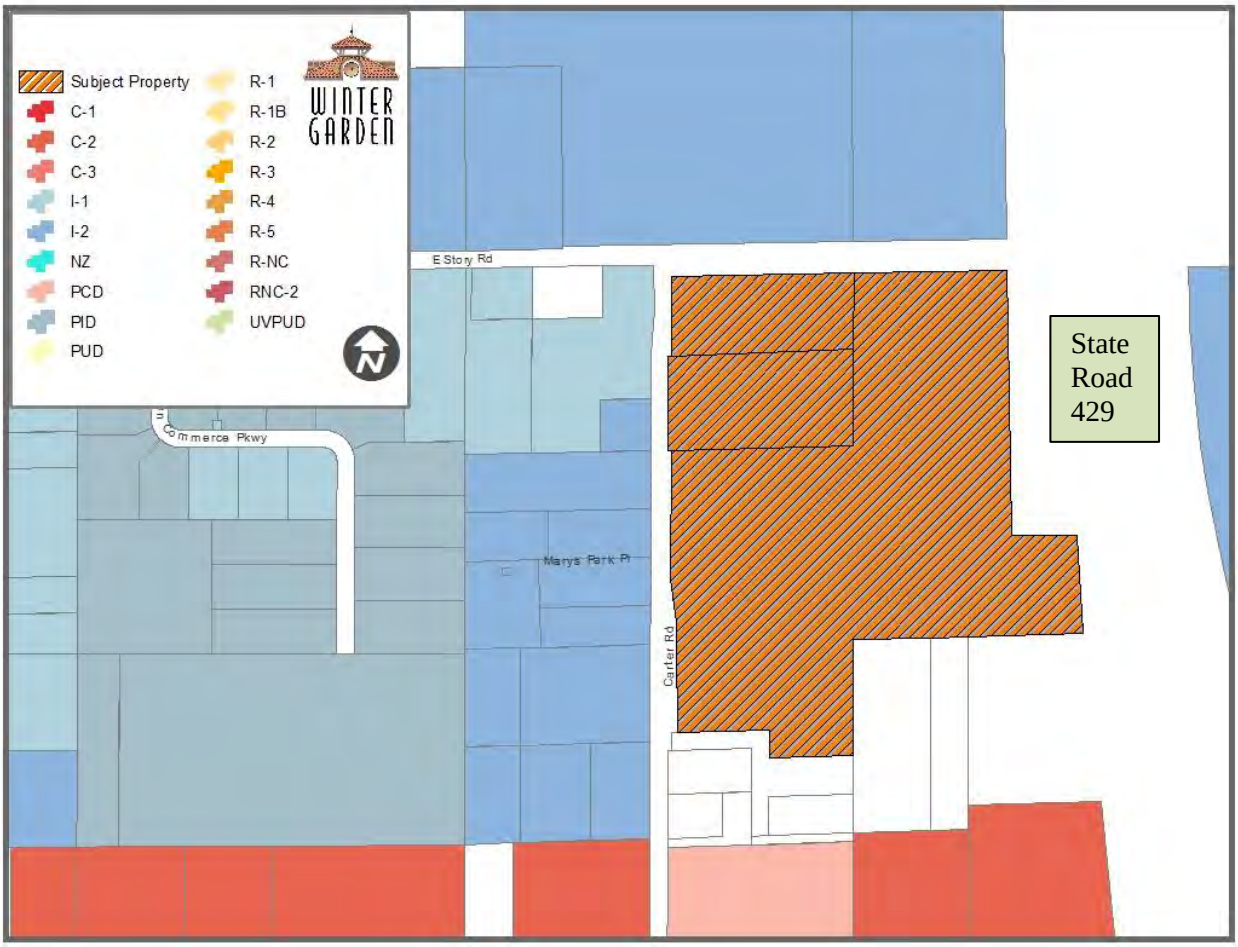
**AERIAL PHOTO**
**703 Carter Road**



**SITE PLAN**
**703 CARTER ROAD**



## ZONING MAP
## 703 Carter Road




## FUTURE LAND USE MAP

**703 Carter Road**

## PHOTOGRAPHS
## 703 Carter Road

**View of existing fence along West property**

**View of existing fence along North property**

**View looking Southwest**

**View looking South**

**View showing existing barbed wire on south property**

**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**

**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 7 (Public Hearing)**

---

**DATE:** April 3, 2014 **MEETING DATE:** April 7, 2014

**SUBJECT:** Anthony Q. Jenkins, Jr. (VARIANCE)
**PROJECT NAME** Jenkins Family Addition
**PARCEL ID#** 24-22-27-2275-00-290

**ISSUE:** The applicant is requesting a 17.8 foot rear yard setback in lieu of the required 30 foot rear yard setback to build an addition onto his home.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Anthony Q. Jenkins, Jr.

**CURRENT ZONING:** R-4 Zoning District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Low Density Residential

**PROPOSED FLU:** N/A

**SUMMARY:**

Applicant proposes to construct a one or two story addition onto his home that is 17.8' from the rear property line instead of the required 30'. The applicant will comply with all other setback requirements and remove several nonconforming structures on his property.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the variance to allow a building with a 20' x 34' footprint to be built 17.8' from the rear property line.

**NEXT STEP(S):**

Apply for a building permit to construct the addition.

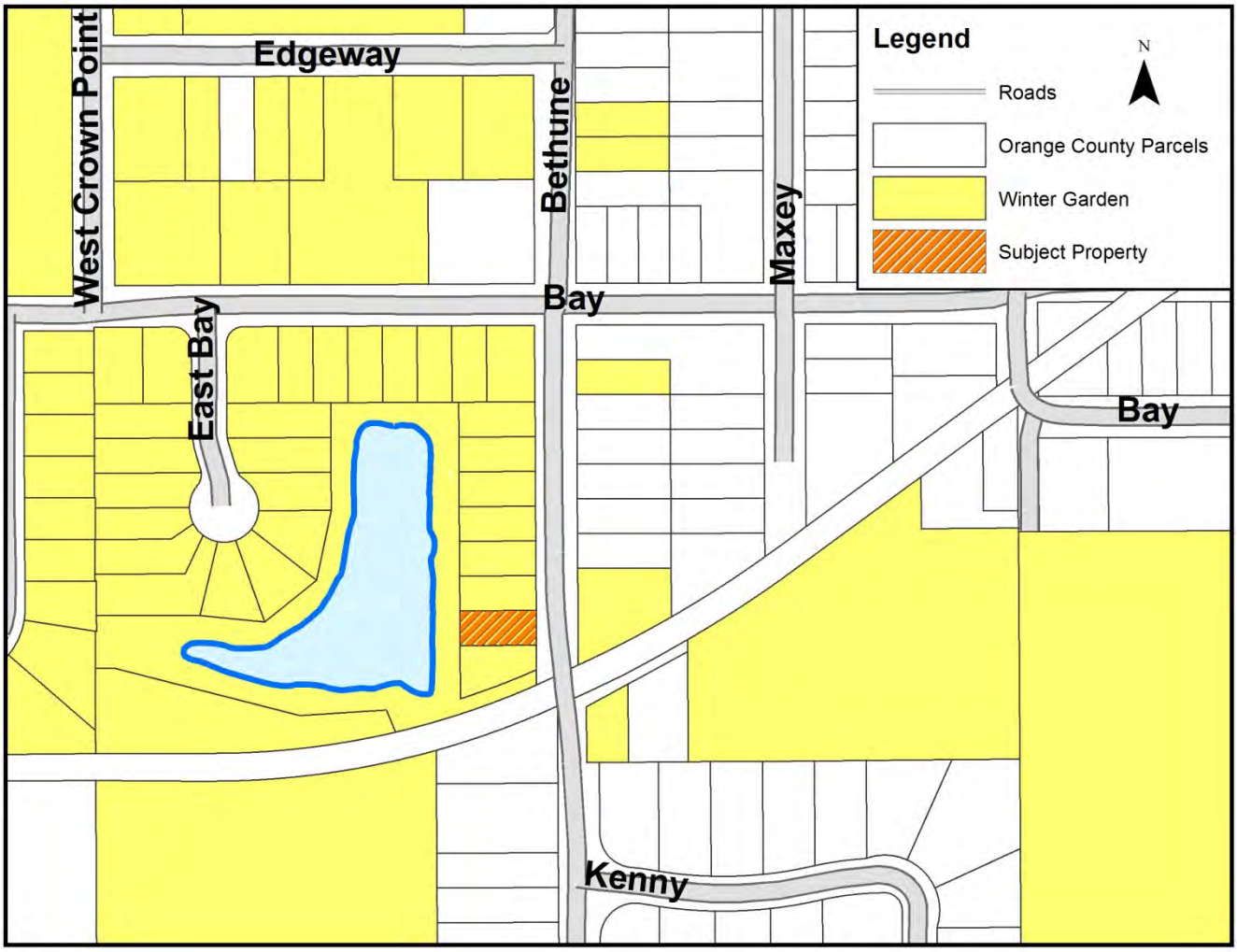
**ATTACHMENT(S):**

Location Map
Staff Report

# LOCATION MAP

**686 Bethune Avenue**

**<u>VARIANCE</u>**



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 ● (407) 656-4111

# STAFF REPORT

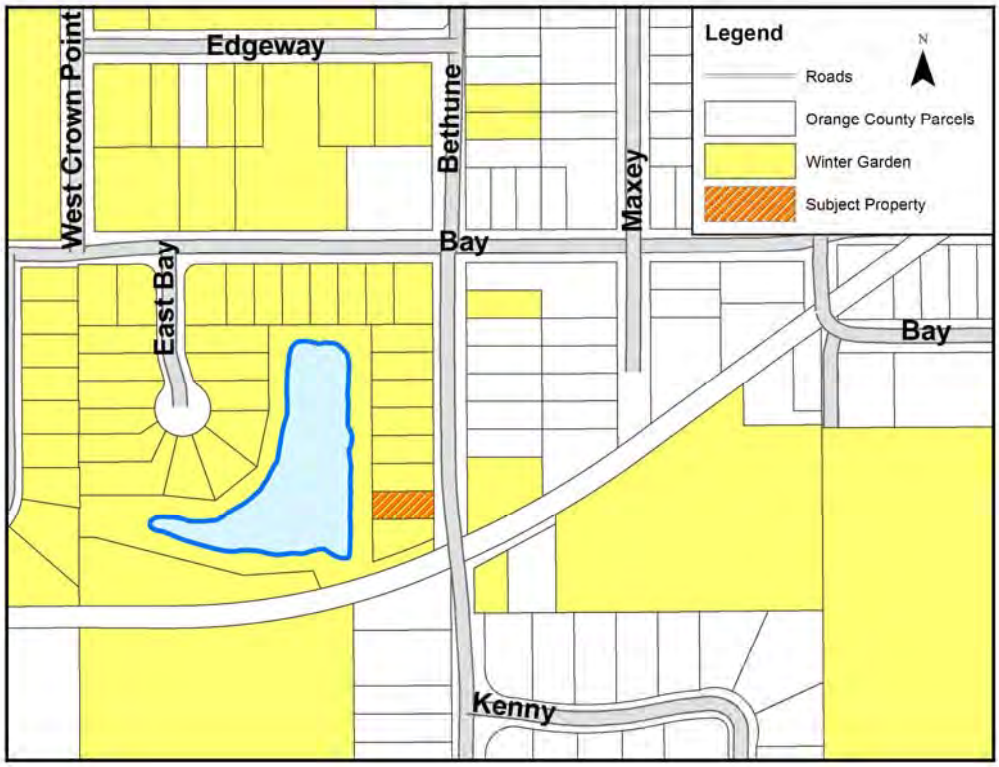
**TO:** PLANNING AND ZONING BOARD
**PREPARED BY:** KELLY CARSON, PLANNER II
**DATE:** MARCH 25, 2014
**SUBJECT:** VARIANCE
**686 Bethue Avenue (0.13+/- ACRES)**
**PARCEL ID #** 24-22-27-2275-00-290

**APPLICANT:** Anthony Q. Jenkins Jr.

## INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for property located at 686 Bethune Avenue in Winter Garden, Florida. The request is for a 17.8 foot rear yard setback in lieu of the required 30 foot rear yard setback. If approved, this variance will allow an addition to the applicant's home.

The subject property, located on Bethune Avenue, is an approximately 0.13± acre lot in the East Bay Estates Subdivision. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation R-4 (R-4 Zoning District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

## EXISTING USE

The subject property presently contains a single story 1,363.4 square foot single-family residential home with a shed positioned to the west of the proposed addition.

## ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, and east of the subject property are single-family residential homes, have the zoning designation R-4 (R-4 Zoning District), and the future land use designation of LR (Low Density Residential). The property to the west is a stormwater retention tract owned by the City of Winter Garden, with a zoning designation of R-4 (R-4 Zoning District) and the future land use designation of LR (Low Density Residential). All adjacent properties are located within the City of Winter Garden municipal limits.

## PROPOSED USE

The applicant would like to build a one or two story addition onto the existing home. The building footprint for the addition will be approximately 680 square feet (34' length running north/south x 20' length running east/west). The applicant is also planning to demolish an existing shed and remove a section of driveway paving currently located within a drainage and utility easement in order to fully comply with City code.

## CODE REFERENCE

**Sec. 118-458 (1) c** of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements for single-family residential buildings in the R-4 Zoning District are "*front: 20 feet, side: 7.5 feet, rear: 30 feet.*"

The applicant is seeking a variance to the minimum rear yard setback to allow the proposed addition to be built with a 17.8 foot rear yard setback. The project may require the removal of one tree from the applicant's rear yard.

## CODE REQUIREMENTS / CRITERIA

**Code Requirements/Criteria:**
Section 118-131 of the City Code that relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

*(1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*
The proposed addition located 17.8 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners.

There is a City stormwater retention tract to the west of the subject property. In addition, many of the adjacent properties within the neighborhood have accessory structures and other site features located within their rear yards. This project will not negatively impact the standard of living of the citizens of the city. The applicant hopes that this project will add value to his property and be an asset to the neighborhood as a whole.

(2) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*
The requested variance allowing a 17.8 foot rear yard setback in lieu of the required 30 foot rear yard setback will allow reasonable use of the property. The intention of the R-4 zoning district is to provide for quality residential neighborhoods in an urban setting. While this rear yard setback will exceed most other R-4 zoned homes in close proximity to the applicant's property, it will not change the low-intensity urban residential character of the neighborhood.

(3) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*
Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easements, does not exceed the maximum impervious surface allowed in the R-4 zoning district (50%), and it removes two existing site features that do not adhere to current City Code (a shed structure located too close to the property line and paving located within an easement).

(4) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variance is consistent with the provisions of the City's Comprehensive Plan relating to low density residential neighborhood character.

(5) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*
The variance requested is the minimum variance that will make reasonable use of the land. The proposed addition will not negatively impact the neighbors and is consistent with rear yard setbacks enjoyed by many other property owners throughout the City. Denying this variance does not benefit the property owner or the City.

## SUMMARY

City Staff recommends approval of a variance to Sections 118-458(1)c to allow a 17.8 foot rear yard setback in lieu of the required 30 foot rear yard setback to allow for the construction of the proposed home addition subject to the following condition:

1. The existing shed and section of driveway paving within the drainage and utility easement must be removed.

## NEXT STEP

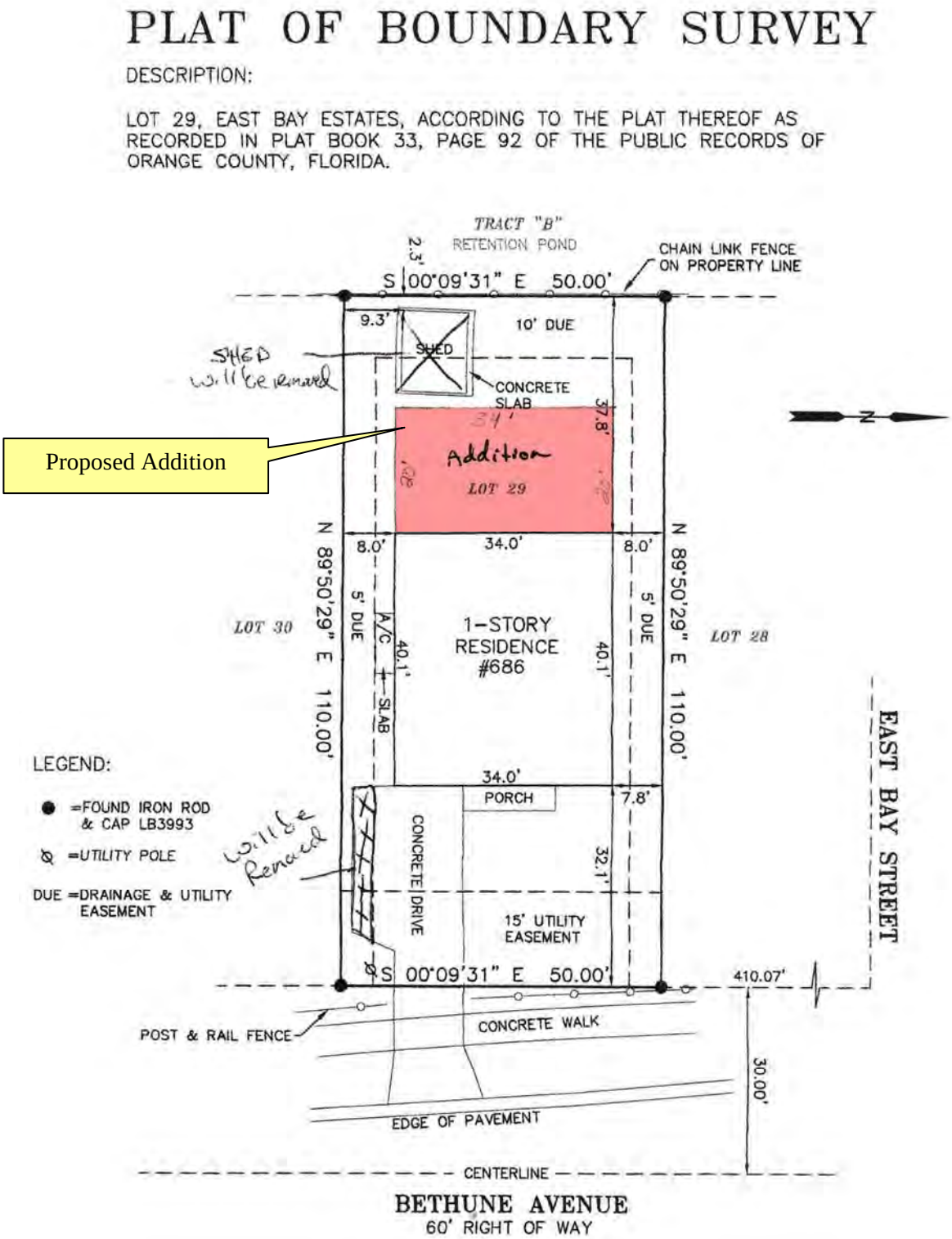
Apply for the appropriate Building Permits.

**ATTACHMENTS**

- Aerial Photos
- Survey (Site Plan)
- Site Photos

**AERIAL PHOTO**
**686 Bethune Avenue**

**SURVEY (SITE PLAN)**
**686 Bethune Avenue**



**SITE PHOTOS**
**686 Bethune Ave**

**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**

**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 8 (Public Hearing)**

---

**DATE:** April 3, 2014 **MEETING DATE:** April 7, 2014

**SUBJECT:** Bob Buchanan (VARIANCE)
**PROJECT NAME** Buchanan Shed
**PARCEL ID#** 14-22-27-9203-03-020

**ISSUE:** The applicant is requesting a Variance to allow a 12 foot x 16 foot accessory structure (shed) 6 feet from the rear property at 148 Roper Drive.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Bob Buchanan

**CURRENT ZONING:** R-1 Single Family Residential District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Low Density Residential

**PROPOSED FLU:** N/A

**SUMMARY:**

Applicant proposes to construct an accessory structure that is greater than 160 square feet at a 6 foot rear yard setback in lieu of the minimum required 23 foot setback.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the variance to allow a 12 foot x 16 foot accessory structure 6 feet from the rear property line.

**NEXT STEP(S):**

Apply for a building permit to install the structure.

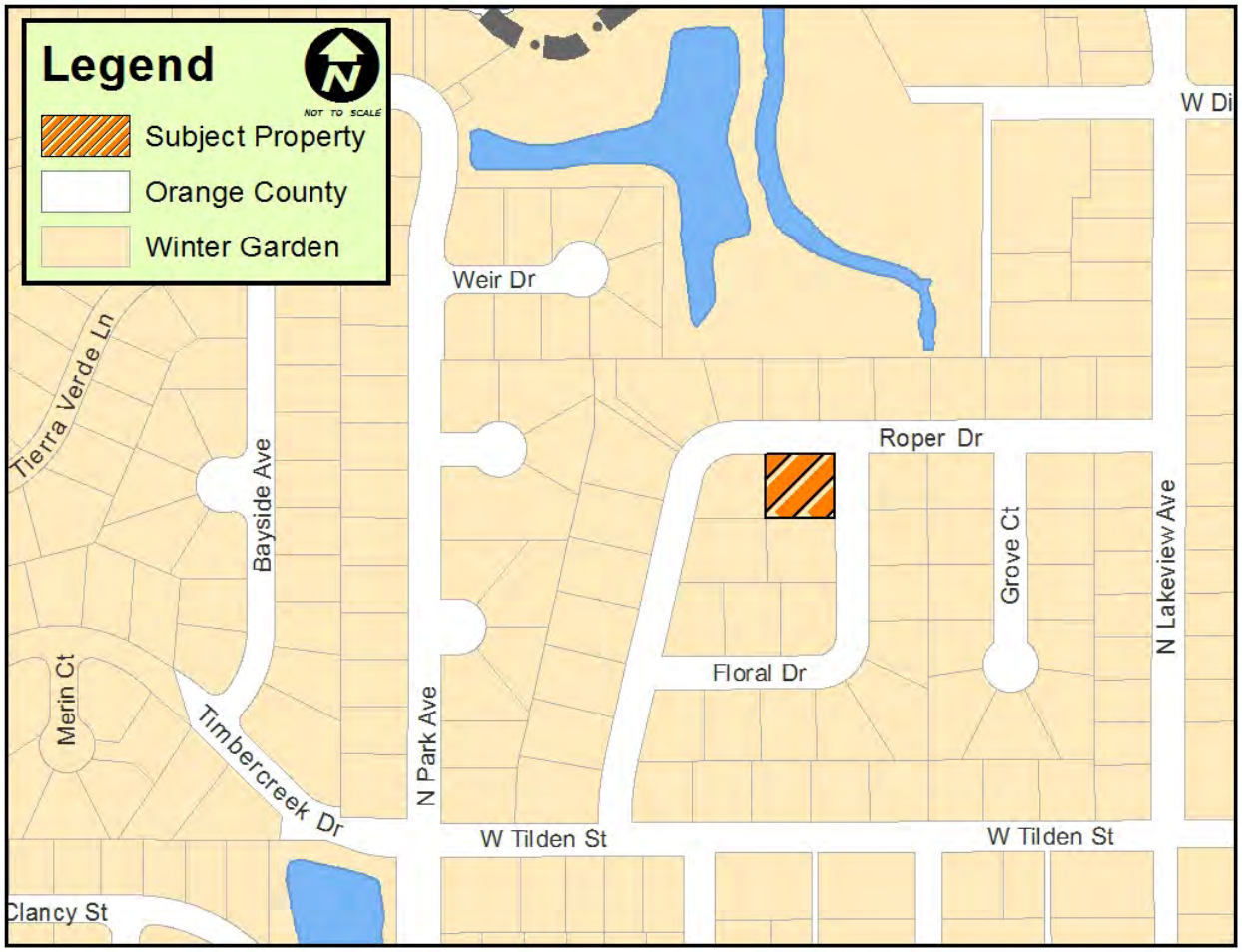
**ATTACHMENT(S):**

Location Map
Staff Report

# LOCATION MAP

**148 Roper Drive**

**<u>VARIANCE</u>**



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 ● (407) 656-4111

# STAFF REPORT

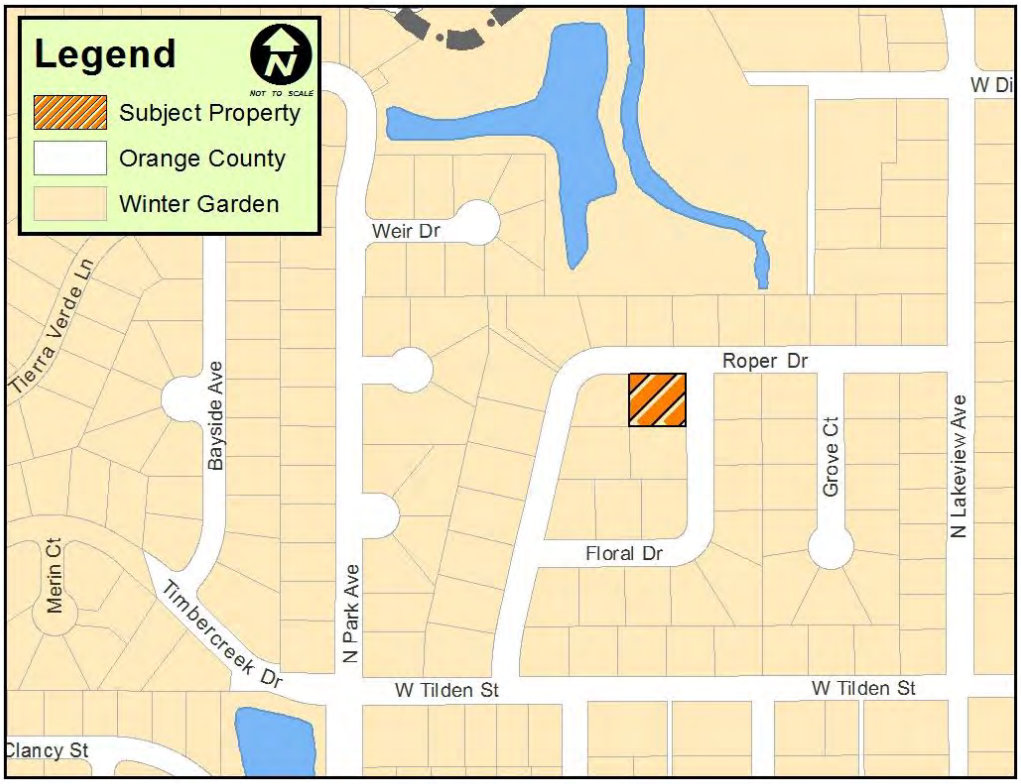
**TO:** PLANNING AND ZONING BOARD
**PREPARED BY:** STEVE PASH, SENIOR PLANNER
**DATE:** APRIL 7, 2014
**SUBJECT:** VARIANCE
**148 Roper Drive (0.33+/- ACRES)**
**PARCEL ID #** 14-22-27-9203-03-020

**APPLICANT:** Bob Buchanan

## INTRODUCTION

The purpose of this report is to evaluate the request of a 17 foot rear yard setback variance to allow the construction of a 12 foot x 16 foot accessory structure (shed) 6 feet from the rear property line.

The subject property, located at 148 Roper Drive is approximately a 0.33± acre lot located at the southwest corner of Roper Drive and Floral Drive. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a variance to Section 118-1310 (c)(2)a. to allow an accessory structure that is greater than 160 square feet to be built at a 6 foot rear yard setback in lieu of the minimum required 23 foot rear yard setback. The subject property carries the zoning designation R-1 (Single Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

## EXISTING USE

The subject property presently consists of a 2,384 square foot single family home.

## ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, east, and west of the subject site are developed with single-family homes with R-1 zoning designation.

## PROPOSED USE

The applicant is requesting a variance to the rear yard setback to allow construction of a 12 foot x 16 foot detached accessory structure (shed) that replaces an existing shed on an existing slab.

## CODE REFERENCE

**Sec. 118-310 (c)(2)a.** of the City Code of Ordinances addresses accessory structures and states that
An accessory building greater than 160 square feet must comply with all the setback requirements of the principal structure. The R-1 zoning district requires that sturctures meet a side yard setback of 10 feet and a rear yard setback of 20% of the lot depth (23 feet).

The applicant is seeking a variance to the minimum required rear yard setback of 23 feet to allow an accessory structure that is greater than 160 square feet to be located 6 feet from the rear property.

## CODE REQUIREMENTS /CRITERIA

### Code Requirements/Criteria:

Section 118-131 of the City Code relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

*(a) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*
Construction of the proposed accessory structure 6 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as there is a large hedge along both property lines and there is an existing shed in this

location. In addition, the surrounding neighbors have all submitted letters in support of the variance.

(b) *The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*
The requested variance allowing a 6 foot rear yard setback in lieu of the required 23 foot setback is reasonable use of the property. While there are no variance requests similar to this in the surrounding area, the proposed structure is 192 square feet and not out of character with other structures located in the surrounding area. In addition, there is already a slightly smaller shed (10' x 12') in the same location on the property.

(c) *In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*
Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement and does not exceed the maximum impervious surface ratio for R-1 zoning district.

(d) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variance is consistent with the provisions of the City's Comprehensive Plan relating to single family residential neighborhood character.

(e) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*
The variance requested is the minimum variance that will make reasonable use of the land. Denying this variance does not benefit the property owner or the City.

## SUMMARY

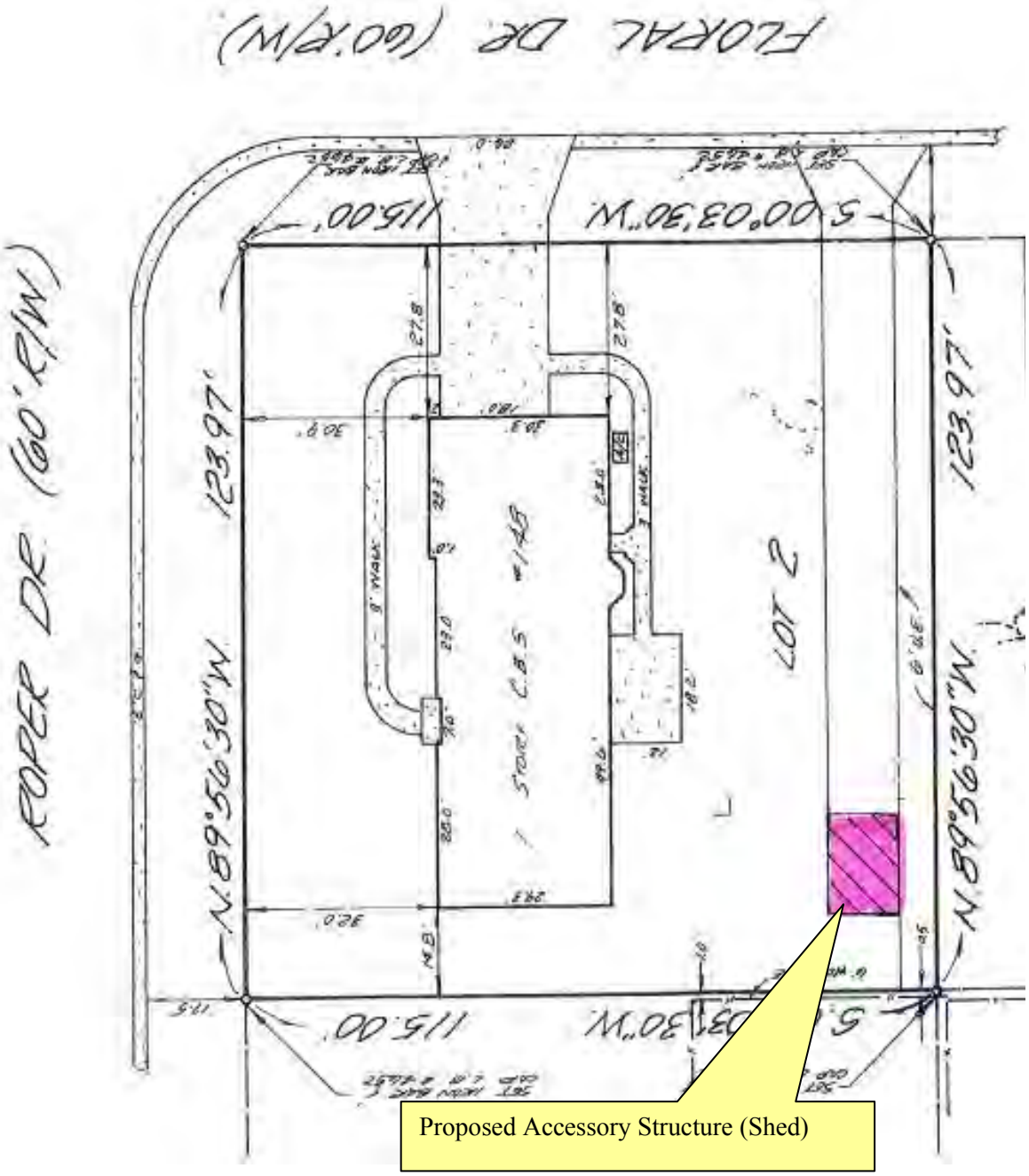
City Staff recommends approval of the variance to Section 118-1310 (c)(2)a. to allow an accessory structure (shed) that is greater than 160 square feet to be built at a 6 foot rear yard setback in lieu of the minimum required 23 foot rear yard setback.

## ATTACHMENTS

- Aerial Photos
- Site Photos

**AERIAL PHOTO**
**<u>148 Roper Drive</u>**

**SITE PLAN**
**<u>148 Roper Drive</u>**



# SITE PHOTOS
## 148 Roper Drive

### View of Proposed Loocation from Roper Drive

### View looking West in back yard

## Site Photos
**148 Roper Drive**

**View of property to the South**

**END OF STAFF REPORT**